

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KURIAN DAVID, et al.,)
)
Plaintiffs,)
)
vs.) 08-1220

SIGNAL INTERNATIONAL, LLC, et al.,)
)
Defendants.)

-----)
Related Case:)
EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiffs,)
)
And) 12-557

SABULAL VIJAYAN, et al.,)
Plaintiff-Intervenors,)
)
vs.)

SIGNAL INTERNATIONAL, LLC,)
Defendant.)

-----)
Related case:)
LAKSHMANAN PONNAYAN ACHARI, et al.) 13-6218

Plaintiffs,)

vs.)

SIGNAL INTERNATIONAL, LLC,)
Defendant.)

-----)
DEPOSITION OF LOUISE I. SHELLEY, Ph.D.
New York, New York
Monday, September 22, 2014

Reported by:
Philip Rizzuti
JOB NO. 84660

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September 23, 2014
9:05 a.m.

Deposition of LOUISE I. SHELLEY,
Ph.D., held at the offices of Crowell
& Moring, 590 Madison Avenue, New
York, New York, pursuant to notice,
before Philip Rizzuti, a Notary Public
of the State of New York

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IT IS HEREBY STIPULATED AND AGREED,
by and between counsel for the respective
parties hereto, that the filing, sealing and
certification of the within deposition shall
be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same force
and effect as if signed and sworn to before
the Court.

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1 Shelley
2 LOUISE I. SHELLEY, Ph.D.,
3 called as a witness, having been duly
4 sworn by a Notary Public, was examined
5 and testified as follows:
6 EXAMINATION BY
7 MR. HOWARD:
8 MR. HOWARD: Would you mark as
9 Shelley Exhibit 1, expert report.
10 (Shelley Exhibit 1, expert report,
11 marked for identification, as of this
12 date.)
13 Q. Professor Shelley, I have had
14 marked as Exhibit 1 to this deposition an
15 expert report that was provided to us in your
16 name on August 29, 2014, and I ask if you are
17 familiar with this report?
18 A. I am.
19 Q. Ours is not a signed copy, did you
20 ever sign a copy of this report?
21 A. Yes. This one is not a signed
22 copy. I think it is electronically signed
23 when I submitted it.
24 Q. Well we can use this unsigned
25 copy, but assume that, can I assume that

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1 Shelley
2 everything in here accurately states your
3 opinions?
4 A. It does.
5 Q. Did you personally draft this
6 report entirely yourself?
7 A. Yes.
8 Q. How long did that take you?
9 A. Hours.
10 Q. How many hours?
11 A. Probably a few dozen hours.
12 Q. Let me ask how many hours in total
13 have you spent on this case, and by this case,
14 let me ask you differently.
15 When were you first engaged by
16 Signal or its counsel to be an expert witness
17 in any of the cases against Signal brought on
18 behalf of Indian H-2B workers?
19 A. I was contacted in May.
20 Q. May of this year?
21 A. Yes. And I started working on the
22 case in July.
23 Q. So from the time you began work in
24 this matter in July of 2014 until August 29,
25 2014 when you submitted your expert report in

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1 Shelley
2 the David case how many hours in total had you
3 worked on the matter?
4 A. I have to do my arithmetic.
5 Approximately a hundred hours.
6 Q. Now your reports in the Texas
7 cases, the Samuel and Joseph cases, were
8 submitted at the end of July; correct?
9 A. Correct.
10 Q. How much of that hundred hours or
11 so have been spent prior to submitting the
12 reports in the Texas cases?
13 A. The first month I spent about -- I
14 spent about probably 75 hours I think.
15 Q. So 75 hours in July before
16 submitting the report in the Texas case?
17 A. I have to check. If you want I
18 can check my files.
19 Q. I will ask you to do that during a
20 break. Then you spent an additional 25 hours
21 in August for purposes of the report you
22 submitted in the David case?
23 A. I will have to check that, but
24 approximately, probably a little bit more,
25 maybe 30 hours, maybe 35.

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1 Shelley
2 Q. How were the 30 or 35 hours spent
3 between submitting the report in the Texas
4 cases and your report in the David case?
5 A. I reviewed many different
6 materials that were available for the
7 Louisiana case that were not available for the
8 Texas case.
9 Q. What kind of materials?
10 A. For example T visa applications or
11 submissions.
12 Q. How many T visa applications or
13 submissions did you review for purposes of the
14 report in the David case?
15 A. All of them that were provided to
16 me, so about ten of them.
17 Q. And how much are you being
18 compensated per hour by Signal in this case?
19 A. I am being paid 400 an hour for my
20 work, and 200 for travel time.
21 Q. Is that your standard rate for
22 expert work?
23 A. No, it is much, much less.
24 Q. What is your standard rate?
25 A. I receive as much as 900 an hour.

3 (Pages 6 to 9)

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Shelley

Q. Why in this case have you decided to give a discount to Signal?

A. Because I feel very strongly about this case, that there has been an injustice done to Signal. I feel concerned about the validity of this case, and I also am very concerned about the viability of Signal and its employment to its workers.

Q. What makes you concerned about the viability of Signal?

A. Because of all the expenditures on this lawsuits and also the damage that has been done to it's reputation, it makes it difficult for them to get business.

Q. What do you base that statement on; I mean have you done any assessment of the economics of Signal since the case was filed versus before the case was filed?

A. I have talked to the senior management of Signal, yes.

Q. Other than talking to the senior management of Signal what independent research have you done on the economics of the Signal business to validate the statement you just

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Shelley

made?

A. I have looked at some of the balance sheets of Signal. I have looked at many hours I have spent on the financial records of Signal.

Q. You have spent many hours looking at the financial records?

A. Yes.

Q. Which financial records?

A. Payroll, how many people are on staff, payments.

Q. Payments to their general employee population?

A. Yes.

Q. What did the examination of financial records such as payments and payroll to employees tell you about the impact of this lawsuit on Signal's business?

A. I cannot say. I am not a financial analyst, but it appears that there are fewer people on payroll at some times more recently than in the past.

Q. Did you do any historical assessment of the variance in Signal's payroll

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Shelley

over historical time periods prior to the lawsuit being filed?

A. No.

Q. Did you do any financial assessment of the profits that Signal earned from the Indian H-2B program?

A. I am not studying the profits of Signal, I am looking at the overall payment structure of Signal.

Q. Are you a financial or economic expert in any way?

A. I have worked for years doing financial cases concerning international money laundering and have, you know, poured over records in the past.

Q. Is it your understanding that you are being offered in this case as an expert to opine on the impact of this lawsuit on Signal's economic viability?

A. No.

Q. Are you being asked to give any economic opinions in this case?

A. The only economic opinions I am giving in this case, or I should say financial

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Shelley

opinions, are in reference to the expenditures of the workers at Signal, their payments, and what is deemed reasonable for them to spend.

Q. What is deemed to be reasonable for whom to spend?

A. The workers.

Q. I am sorry, you need to explain that statement to me. For the workers to spend on what?

A. On housing, food, what their income is, whether their salaries have been paid.

Q. Understood. Understanding that you personally drafted each and every word of this report I want to examine a bit about the methodology that you applied to reach some of the -- to reach comfort level with making some of the factual statements and assertions you make.

By way of example if I could ask you to turn to page 28 of your report, about a third of the way down the page there is a statement that said: Signal was exempt from OSHA standards for the housing of its H-2B

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1 Shelley
 2 workers, but nonetheless tried to comply
 3 because it wanted to meet an established
 4 standard.
 5 A. Uh-hum.
 6 Q. Are you an expert on OSHA
 7 standards?
 8 A. No, but I did go and look at OSHA
 9 standards and who they applied to before
 10 writing that statement.
 11 Q. And --
 12 A. I do know how to do research.
 13 Q. That is what I wanted to ask. I
 14 want to know what research you did to make a
 15 determination to be able to write the sentence
 16 that Signal was exempt from OSHA standards?
 17 A. I read several documents on where
 18 OSHA standards apply to under the H visa
 19 program.
 20 Q. Can you identify for me a place in
 21 the OSHA standards where it says that it is
 22 not applicable to H-2B program?
 23 A. I cannot give you a statute of it,
 24 but I read it.
 25 Q. You read that statement?

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1 Shelley
 2 A. Yes.
 3 Q. Have you read the reports of the
 4 OSHA experts in this case?
 5 A. I have read some of the government
 6 reports, I am not sure if I read all of the
 7 OSHA reports.
 8 Q. I am asking about the expert
 9 reports in this case submitted by expert
 10 witnesses on the OSHA issue in this case?
 11 A. I don't think so.
 12 Q. Are you aware for example that the
 13 David plaintiffs submitted an expert report
 14 from someone who worked at OSHA on the issue
 15 as to whether OSHA applied to the H-2B camps?
 16 A. I am not aware. I don't think I
 17 read that.
 18 Q. Did you call anybody at OSHA as
 19 part of your research to put in your expert
 20 report the statement that OSHA did not apply
 21 to the H-2B housing at Signal?
 22 A. I did not call anyone when I read
 23 this in some OSHA -- some statements on the H
 24 visa program.
 25 Q. How come you didn't cite the

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1 Shelley
 2 material that you relied on for that statement
 3 in your expert report?
 4 A. I can say that may be an
 5 oversight.
 6 Q. I mean is there anywhere in this
 7 report I can find what it is that you relied
 8 on to make that statement?
 9 A. I can go and do an addendum to
 10 this report and find you what I used, because
 11 I used many, many sources.
 12 Q. Well that would be helpful.
 13 Professor Shelley, let's turn if
 14 you would please to page 43 of your report, at
 15 the bottom of the page paragraph 63 you state:
 16 In conclusion Signal did not have access to
 17 information that would allow it to be aware of
 18 the problem of recruiters making false
 19 promises to it's potential workers in India.
 20 Neither did it have a reason to suspect that
 21 the local lawyer and recruiter would be
 22 engaged in duplicitous practices.
 23 Did I read that correctly?
 24 A. Yes.
 25 Q. First of all what duplicitous

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1 Shelley
 2 practices are you referring to there?
 3 A. There are several duplicitous
 4 parts of this. First that the recruiters
 5 starting in 2003 have been recruiting workers
 6 from India for other places of employment, and
 7 then when they had not placed those workers
 8 they approached Signal after Katrina and
 9 informed Signal that they had people ready to
 10 be employed by them.
 11 Q. What was duplicitous about that?
 12 A. They did not explain to Signal
 13 that they had advertised for workers
 14 previously offering them Green Cards. They
 15 didn't explain to Signal that they had charged
 16 excessive amounts of money for the
 17 recruitment. Nor did they explain that the
 18 workers were in some cases waiting for
 19 documents from other companies.
 20 Q. What else did you have in mind
 21 when you referred to the duplicitous practices
 22 of the recruiters and the local lawyer?
 23 A. Those were the major points that I
 24 considered. I also considered the Indian case
 25 against Sachin Dewan, it is his appeal for the

5 (Pages 14 to 17)

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1 Shelley
2 dropping of his license.
3 Q. I am not asking about the source
4 for your information, I wanted to know what
5 you were referring to when you referred to the
6 duplicitous practices, you mentioned --
7 A. When I read that report it
8 confirmed that these were duplicitous
9 practices.
10 Q. So you are referring to the false
11 promises or the promise for Green Cards?
12 A. Yes.
13 MR. ROUX: Objection.
14 Q. And the excessive recruiting fees
15 that were charged; correct?
16 A. And also as I said the fact that
17 the workers were in process for other
18 employers.
19 Q. For each of those three elements
20 is it your opinion that Signal did not have
21 access to information that would allow it to
22 be aware of those issues; that is what you
23 state here; correct?
24 A. I believe that it did not have
25 access to this information.

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1 Shelley
2 a period began to tell some of the people that
3 they were working with that they had paid high
4 recruiting fees to come to Signal.
5 Q. And when they told these people
6 that did Signal in your view then have access
7 to the information that the Indian workers
8 were paying excessive recruiting fees?
9 A. If you call access to information
10 the kind of financial receipts that have been
11 filed in this case, that they certainly did
12 not have access to when they learned this.
13 Q. What information, when you said in
14 your report that Signal did not have access to
15 information that would allow it to be aware of
16 the problem, and you substitute excessive fees
17 as part of the problem, what information in
18 your mind would have been necessary for Signal
19 to be aware of the problem?
20 A. Can you be specific?
21 Q. Be more specific. You seem to be
22 making a differentiation between information
23 that was being provided by the workers who
24 arrived at Signal in fact orally communicating
25 that they had paid all of these fees from some

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1 Shelley
2 Q. At what point in time did Signal
3 gain access to this information?
4 MR. ROUX: Objection as to the
5 form.
6 A. Can you clarify your question?
7 Q. Certainly. Let's take it one
8 piece at a time. The fact that the workers in
9 India were being charged, to use your words,
10 excessive or exorbitant recruiting fees, at
11 what point in time did Signal gain access to
12 that information?
13 MR. ROUX: Objection as to the
14 form.
15 Q. If ever; is it your opinion that
16 they never gained access to that
17 information -- let's step back.
18 They know it now, right, since the
19 lawsuit was filed; is that correct?
20 MR. ROUX: Objection as to the
21 form.
22 A. Should I answer?
23 MR. ROUX: Yes.
24 A. There were workers who arrived at
25 Signal, and after they had been at Signal for

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1 Shelley
2 kind of hard financial data and receipts. Am
3 I correct about that?
4 A. I am making a point that when
5 Signal entered into this relationship with the
6 recruiters in India, the local recruiter and
7 the lawyer, they did not know any of this
8 background.
9 Q. Okay, and my question is when did
10 they become aware of the fact that these
11 workers were being charged excessive fees by
12 their recruiters and their lawyer?
13 MR. ROUX: Objection as to the
14 form.
15 A. Some of the management of Signal,
16 some of the staff of Signal only learned of
17 this after the workers arrived at Signal.
18 Q. When did management of Signal, and
19 by management I include senior vice president
20 Ron Schnoor, when did they, management and
21 Mr. Schnoor learn that the workers had been
22 charged excessive fees by the recruiters and
23 the lawyer?
24 A. When there was concern expressed
25 on a larger scale by some of the workers at

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1 Shelley
 2 Signal.
 3 Q. How long after the arrival of the
 4 very first worker did that happen?
 5 A. Several months into their stay.
 6 Q. So it is your testimony that it
 7 was not until several months after the workers
 8 arrived that senior management of Signal
 9 including Ron Schnoor learned that the workers
 10 had been paying excessive recruiting fees to
 11 the recruiters and the lawyer; am I correct?
 12 A. It was not prior to the process.
 13 I cannot give you an exact time line within
 14 the organization, but this was not something
 15 that they were aware of prior to the workers
 16 arrival.
 17 Q. But you know, don't you, that the
 18 workers didn't all come at once; correct?
 19 A. That is correct.
 20 Q. Do you know in fact when the first
 21 worker arrive?
 22 A. Yes, the first workers arrived in
 23 2006.
 24 Q. Do you recall when in 2006?
 25 A. I would have to consult my notes.

1 Shelley
 2 Q. If I were to represent to you that
 3 the first workers arrived on Halloween into
 4 November 1, 2006 would that refresh your
 5 recollection?
 6 A. Yes it would.
 7 Q. Do you know how many workers
 8 arrived in that first wave?
 9 A. The workers arrived on different
 10 plane loads, so there were dozens of them that
 11 came up until the amount reached several
 12 hundred workers, but not immediately.
 13 Q. Break it down. Do you know how
 14 many workers arrived in those first couple of
 15 days in November of 2006?
 16 A. I have read how many workers came,
 17 I cannot recall exactly how many were there
 18 the first days.
 19 Q. But you are aware then as you
 20 described that over the ensuing months
 21 additional waves of workers came to work from
 22 India to Signal?
 23 A. Yes.
 24 Q. Do you remember when the last
 25 workers arrived?

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1 Shelley
 2 A. There were workers through 2007
 3 arriving.
 4 Q. Do you know when the five
 5 plaintiffs in the David case whose trial is
 6 coming up in January, when they arrived?
 7 A. I have read in their reports when
 8 they arrived.
 9 Q. You don't recall it offhand?
 10 A. I know some of them were very
 11 early in the process.
 12 Q. And some were late?
 13 A. Some of them were later.
 14 Q. Now coming back to the issue when
 15 in that -- if your understanding in the period
 16 of months during which the waves of workers
 17 were coming from India, did Signal management,
 18 including Ron Schnoor, learn about the
 19 excessive recruiting fees early in that
 20 process or later in that process, later in
 21 those few months?
 22 A. In early 2007 there were serious
 23 concerns expressed by the workers and the
 24 management learned about this.
 25 Q. And to your understanding the

1 Shelley
 2 management had no access to information that
 3 would allow it to be aware of the problem of
 4 the excessive fees before early 2007; is that
 5 correct?
 6 MR. ROUX: Objection as to the
 7 form.
 8 A. My concern when I wrote this
 9 statement on this that you are asking about
 10 refers to the problems of engaging and
 11 recruiting workers. So as I said here Signal
 12 did not have access to information that would
 13 allow it to be aware of the problem of
 14 recruiters making false promises to it's
 15 potential workers in India. That does not
 16 concern what happened once the workers arrived
 17 in the United States. That concerned what
 18 happened in India before Signal entered into
 19 this relationship with the recruiters.
 20 Q. But there is a third category of
 21 time that I am particularly interested in
 22 Professor Shelley. You have got the category
 23 of time before November 1, 2006 when all the
 24 workers are in India, okay, are you with me so
 25 far?

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1 Shelley
 2 A. Yes.
 3 Q. You have a point in time after all
 4 the workers have arrived at Signal sometime in
 5 2007; correct?
 6 A. Correct.
 7 Q. I want to talk about the time in
 8 between November 1, 2006 and the time the last
 9 worker arrives in 2007. Are you with me?
 10 A. Uh-hum.
 11 Q. During those several months there
 12 are still workers in India; correct?
 13 A. Yes.
 14 Q. Signal at that point if it was
 15 aware of the problems as you describe it and
 16 the duplicitous practices as you describe it
 17 in your report could have made the decision
 18 not to bring in another single worker to
 19 Signal who has paid exorbitant recruiting fees
 20 or been lied to about getting Green Cards,
 21 Signal could have made that decision; correct?
 22 MR. ROUX: Objection as to the
 23 form. You can answer.
 24 A. Signal tried to work with the
 25 process that it had, and Signal broke with

1 Shelley
 2 it's relationship with the recruiter and the
 3 lawyer in this process.
 4 Q. When?
 5 A. As they became more aware of what
 6 the extent of the problems were they ended
 7 their recruiting contract.
 8 Q. Did you think that was an
 9 appropriate thing for them to do?
 10 A. Yes.
 11 Q. Because once they became aware
 12 that the recruiters and the lawyer were
 13 engaged in this as you described it
 14 duplicitous practices, it would have been
 15 wrong for Signal to continue to work with
 16 them; is that correct?
 17 MR. ROUX: Objection as to the
 18 form.
 19 A. There is a complex problem here in
 20 that as an employer when you learn of a worker
 21 and their debts and what they say that they
 22 owe, then are you going to dismiss them and
 23 say I was deceived and deport them back.
 24 Q. We are not talking about the
 25 workers who are at Signal now, I am talking

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1 Shelley
 2 about the workers who are in India. If Signal
 3 were to learn that those workers still in
 4 India were being charged exorbitant fees and
 5 were being given false promises about getting
 6 Green Cards through Signal, then as I
 7 understood it you said that Signal should and
 8 did take the appropriate step of ceasing work
 9 with those recruiters and lawyer. Do I have
 10 that wrong?
 11 MR. ROUX: Objection as to the
 12 form.
 13 A. Signal attempted to recruit
 14 individuals through its own procedures to
 15 ensure that individuals were not paying
 16 excessive fees.
 17 Q. Did that apply to a single one of
 18 these India H-2B workers?
 19 A. No, it applied to a group of
 20 Indian workers that they sought to get and
 21 avoid this process.
 22 Q. When did they do that?
 23 A. They did that in 2006 to '7.
 24 Q. Who told you that?
 25 A. I interviewed people who went and

1 Shelley
 2 worked with a recruiter in India.
 3 Q. Who did you interview?
 4 A. I interviewed one of the senior
 5 staff at Signal.
 6 Q. Who was that; was that Darrell
 7 Snyder?
 8 A. I talked to Darrell, yes.
 9 Q. And he told you he went over to
 10 India to try to recruit Indian workers himself
 11 without going through this process?
 12 A. With an alternative recruiter to
 13 avoid this process, yes.
 14 Q. That was in later 2007, right,
 15 because of all the problems they figured out
 16 with the recruiters and lawyer they used to
 17 bring in the 500 workers who are all
 18 plaintiffs in these cases; right?
 19 MR. ROUX: Objection as to the
 20 form.
 21 A. The planning for that was done
 22 earlier than 2007.
 23 Q. Then why did Signal keep working
 24 with -- strike that.
 25 For the workers who were still in

| | |
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| <p style="text-align: right;">Page 30</p> <p>1 Shelley</p> <p>2 India when Signal learned of the problems and</p> <p>3 the duplicitous practices as you described it,</p> <p>4 what should Signal have done?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I think that Signal worked in the</p> <p>8 circumstances that it did to try and provide</p> <p>9 the workers well paid employment.</p> <p>10 Q. Just so I understand this, I want</p> <p>11 to understand your opinion in this regard</p> <p>12 precisely. You have got workers in India,</p> <p>13 including some of the plaintiffs in this case</p> <p>14 who are going to trial in January, if Signal</p> <p>15 learns that those workers had been charged</p> <p>16 excessive recruiting fees, fees that Signal</p> <p>17 itself calls excessive, and learns that those</p> <p>18 people believed that they are coming over to</p> <p>19 work at Signal because they are going to get</p> <p>20 Green Cards, that is what they have been</p> <p>21 promised, you think it is okay in that</p> <p>22 circumstance for Signal to say that is fine,</p> <p>23 send us the workers because we will at least</p> <p>24 give them good paying jobs?</p> <p>25 MR. ROUX: Objection.</p> | <p style="text-align: right;">Page 31</p> <p>1 Shelley</p> <p>2 A. No.</p> <p>3 Q. What should Signal have done in</p> <p>4 that hypothetical?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. Signal tried to get it's recruiter</p> <p>8 that it had been working with to refund the</p> <p>9 money to the workers.</p> <p>10 Q. Was Signal successful in that</p> <p>11 attempt?</p> <p>12 A. No.</p> <p>13 Q. Did Signal bring in any workers</p> <p>14 after -- or did Signal continue to work with</p> <p>15 the recruiter and the lawyer after they</p> <p>16 refused to give refunds?</p> <p>17 A. It tried to work with them to</p> <p>18 force them to refund the money.</p> <p>19 Q. And it was unsuccessful, was it</p> <p>20 not?</p> <p>21 A. It was not successful.</p> <p>22 Q. So if it is unsuccessful in</p> <p>23 getting them to refund the money is it still</p> <p>24 okay then for Signal to bring in these workers</p> <p>25 because they can say hey, at least we tried to</p> |
| <p style="text-align: right;">Page 32</p> <p>1 Shelley</p> <p>2 get them a refund?</p> <p>3 A. Signal was concerned about the</p> <p>4 debt of the workers. The question is what has</p> <p>5 been done to recover the debt of the workers.</p> <p>6 Q. So it is your testimony, I want to</p> <p>7 know the opinion you are giving here. You</p> <p>8 have got workers in India who Signal has not</p> <p>9 brought to the United States yet, and you</p> <p>10 agree with me that Signal could have made the</p> <p>11 decision as to those workers, don't send them</p> <p>12 to work at Signal, we are not going to employ</p> <p>13 workers who have been charged excessive fees</p> <p>14 or lied to about Green Cards. Signal could</p> <p>15 have made that choice; correct?</p> <p>16 A. I am not sure that Signal</p> <p>17 understood the extent of the deception in</p> <p>18 reference to the Green Cards.</p> <p>19 Q. I did ask you earlier about when</p> <p>20 they learned about the fees and you said that</p> <p>21 was in 2007 I believe?</p> <p>22 A. Right.</p> <p>23 Q. When did Signal learn about the</p> <p>24 deception with respect to the Green Cards?</p> <p>25 MR. ROUX: Objection as to the</p> | <p style="text-align: right;">Page 33</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. There was some discussion of Green</p> <p>4 Cards, but that was separate from some of the</p> <p>5 understanding on the extent of the recruiting</p> <p>6 fees.</p> <p>7 Q. But my question was when did</p> <p>8 Signal, to use your words in your report, have</p> <p>9 access to information that would allow it to</p> <p>10 be aware of the problem, and in this case the</p> <p>11 problem being the false promise of Green</p> <p>12 Cards?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 MR. SHAPIRO: Objection as to the</p> <p>16 form.</p> <p>17 A. I cannot say definitively when</p> <p>18 senior management understood that there was a</p> <p>19 deception in regards to Green Cards.</p> <p>20 Q. Professor Shelley, in your report</p> <p>21 the next sentence you say: Signal was not</p> <p>22 engaged in human trafficking at any stage of</p> <p>23 the process with the H-2B workers, either at</p> <p>24 their recruitment, on their arrival in the</p> <p>25 United States, or in their employ.</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 Shelley</p> <p>2 And you base that opinion that you</p> <p>3 give on the fact that in your view Signal did</p> <p>4 not have access to information that would have</p> <p>5 allowed it to become aware of the problem;</p> <p>6 correct?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. No.</p> <p>10 Q. What is the relation between those</p> <p>11 two sentences and the paragraph?</p> <p>12 A. My understanding of what human</p> <p>13 trafficking is is what determined my statement</p> <p>14 here.</p> <p>15 Q. You chose to put two sentences</p> <p>16 next to each other in your report, and this</p> <p>17 report is all I have to go on as to what your</p> <p>18 opinion is. So I will tell you how I read</p> <p>19 this and if it is wrong please let me know.</p> <p>20 I read this as you saying Signal</p> <p>21 didn't have the information to let them know</p> <p>22 that these recruiters and the lawyer they were</p> <p>23 working with were engaged in these duplicitous</p> <p>24 practices, the exorbitant fees, the false</p> <p>25 promises of Green Cards, so Signal was not</p> | <p style="text-align: right;">Page 35</p> <p>1 Shelley</p> <p>2 involved or engaged in human trafficking in</p> <p>3 connection with those problems?</p> <p>4 MR. ROUX: Objection.</p> <p>5 Q. Am I missing something?</p> <p>6 A. You are missing the definition of</p> <p>7 human trafficking.</p> <p>8 Q. We will get to the definition of</p> <p>9 human trafficking. I want to know for</p> <p>10 purposes of your opinion that Signal was not</p> <p>11 engaged in human trafficking, of what</p> <p>12 relevance or significance or importance is it</p> <p>13 to you that in your view Signal was not -- did</p> <p>14 not have access to information to let it be</p> <p>15 aware of the problem, the duplicitous</p> <p>16 practices being performed by the recruiters</p> <p>17 and the lawyer?</p> <p>18 A. That is a piece of it, but not the</p> <p>19 entirety of it.</p> <p>20 Q. Is it an important piece of it?</p> <p>21 A. It is a piece of it, that is all I</p> <p>22 will say.</p> <p>23 Q. You understand that the</p> <p>24 plaintiffs' allegations in this case relate to</p> <p>25 forced labor; correct?</p> |
| <p style="text-align: right;">Page 36</p> <p>1 Shelley</p> <p>2 A. Correct.</p> <p>3 Q. And according to the plaintiffs in</p> <p>4 this case some of the significant elements of</p> <p>5 the forced labor in this case are the fact</p> <p>6 that they had to go in debt to pay these</p> <p>7 exorbitant recruiting fees; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. And that they did so based on a</p> <p>10 false promise that Signal was going to sponsor</p> <p>11 them for Green Cards?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 Q. You understand that; correct?</p> <p>15 A. They were lied to that this was</p> <p>16 going on, yes.</p> <p>17 Q. So those are important elements of</p> <p>18 the claim in this case; correct?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. They are part of the claim.</p> <p>22 Q. And your opinion is Signal is not</p> <p>23 responsible for the exorbitant fees or the</p> <p>24 lies about Green Cards because Signal was</p> <p>25 unaware of them; correct?</p> | <p style="text-align: right;">Page 37</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. Signal did not contract for these</p> <p>5 workers, it was not part of the recruitment</p> <p>6 process starting in 2003 in which these lies</p> <p>7 were made to the workers.</p> <p>8 Q. Signal contracted with Michael Pol</p> <p>9 and Global Resources, did it not?</p> <p>10 A. Yes.</p> <p>11 Q. Signal gave a broad power of</p> <p>12 attorney to Sachin Dewan, the India recruiter,</p> <p>13 did it not?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. It gave them power of attorney,</p> <p>17 yes.</p> <p>18 Q. Signal engaged Malvern Burnett not</p> <p>19 just once, but twice in December of 2006 and</p> <p>20 in September of 2007; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. During 2006 the workers who were</p> <p>23 recruited to work at Signal in India by Mr.</p> <p>24 Pol, Mr. Dewan and Mr. Burnett were promised</p> <p>25 that Signal would sponsor them for Green</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 Shelley</p> <p>2 Cards, were they not?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. Can you repeat that?</p> <p>6 Q. The recruits in 2006 that came to</p> <p>7 work at Signal were promised that Signal would</p> <p>8 sponsor them for Green Cards; is that correct?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. Promised by whom?</p> <p>12 Q. Sachin Dewan, Michael Pol and</p> <p>13 Malvern Burnett?</p> <p>14 A. They advertised offering them</p> <p>15 employment with Green Cards.</p> <p>16 Q. Now is it of relevance to your</p> <p>17 opinion in this case that Signal was not</p> <p>18 involved in human trafficking the fact that</p> <p>19 according to your opinion Signal did not have</p> <p>20 access to information to become aware of the</p> <p>21 Green Card promises or the exorbitant fees;</p> <p>22 yes or no?</p> <p>23 MR. ROUX: Objection.</p> <p>24 A. Yes it is relevant.</p> <p>25 MR. SHAPIRO: Objection.</p> | <p style="text-align: right;">Page 39</p> <p>1 Shelley</p> <p>2 Q. So I take it it would also be of</p> <p>3 relevance to you when Signal became aware of</p> <p>4 that information and what they did about it;</p> <p>5 correct?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 A. Yes.</p> <p>9 Q. And in that regard you have</p> <p>10 testified that they became aware of the</p> <p>11 exorbitant fees early 2007, my question now is</p> <p>12 when did they become aware of the false</p> <p>13 promises about Green Cards?</p> <p>14 A. In the period between 2006 and</p> <p>15 2007.</p> <p>16 Q. At the time that Signal became</p> <p>17 aware of the false promises of Green Cards in</p> <p>18 the period of time between 2006 and 2007 were</p> <p>19 there still Indian H-2B workers in India that</p> <p>20 had not been brought to work at Signal through</p> <p>21 the recruiters and lawyer in this case?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. There were workers waiting to</p> <p>25 come, yes.</p> |
| <p style="text-align: right;">Page 40</p> <p>1 Shelley</p> <p>2 Q. So is it a fair statement based on</p> <p>3 your understanding of the records as you just</p> <p>4 described it, Signal did make a decision to</p> <p>5 continue to bring at least some of the workers</p> <p>6 from India to work at Signal despite knowing</p> <p>7 that they had been falsely promised Green</p> <p>8 Cards?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. Signal was engaged in this period</p> <p>12 in trying to take action against the lawyers</p> <p>13 that were involved in this case.</p> <p>14 Q. My question Professor Shelley --</p> <p>15 can you read back my question please.</p> <p>16 (Record read.)</p> <p>17 Q. That is a yes or no question?</p> <p>18 A. Yes.</p> <p>19 Q. And in your opinion was that an</p> <p>20 appropriate decision to make?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. It is a very complex decision and</p> <p>24 not one taken in isolation because Signal was</p> <p>25 doing other things at the time same to address</p> | <p style="text-align: right;">Page 41</p> <p>1 Shelley</p> <p>2 the problem that it found was existing with</p> <p>3 the work force that had arrived.</p> <p>4 Q. What steps did Signal take when it</p> <p>5 made the decision to continue bringing workers</p> <p>6 from India to work at Signal despite knowing</p> <p>7 of the false promise of Green Cards to correct</p> <p>8 the falsity of that promise; that is to make</p> <p>9 sure that the workers before they got on the</p> <p>10 plane in India knew that Signal was not</p> <p>11 intending to get them Green Cards?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. Signal was working with the</p> <p>15 recruiters, it was working with the bar</p> <p>16 association to try and deal with the problem</p> <p>17 of the local recruiter, and it was trying to</p> <p>18 address the problems that it had in terms of</p> <p>19 recruitment fees and in terms of the</p> <p>20 misrepresentations that had been made to the</p> <p>21 workers.</p> <p>22 Q. My question to you is what precise</p> <p>23 actions did Signal take to make sure the</p> <p>24 workers who were still in India whom Signal</p> <p>25 now knew had been falsely promised Green Cards</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 Shelley</p> <p>2 received accurate information about their</p> <p>3 immigration status before getting on the plane</p> <p>4 to come to work for Signal; can you identify</p> <p>5 anything?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 A. I know there were communications</p> <p>9 with the recruiter. I do not know what the</p> <p>10 recruiter did in response to all of that.</p> <p>11 Q. Have you seen any -- you say you</p> <p>12 have reviewed thousands of E-mails in this</p> <p>13 case. Have you seen any E-mail, written</p> <p>14 communication between anyone at Signal and any</p> <p>15 recruiter telling them please tell the workers</p> <p>16 who are still in India before they get on the</p> <p>17 plane that they are not getting Green Cards?</p> <p>18 A. I have seen communications between</p> <p>19 Signal and recruiters on their problems with</p> <p>20 the recruitment process.</p> <p>21 Q. Anything relating to what I just</p> <p>22 said?</p> <p>23 A. I have known that there were</p> <p>24 conversations with Sachin Dewan, between</p> <p>25 Signal and Sachin Dewan.</p> | <p style="text-align: right;">Page 43</p> <p>1 Shelley</p> <p>2 Q. Did any of those conversations</p> <p>3 relate to tell the workers they are not</p> <p>4 getting Green Cards; an instruction from</p> <p>5 Signal to correct the false premise on which</p> <p>6 these workers were coming to work at Signal?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. Signal was not making these</p> <p>10 promises, therefore the question comes is what</p> <p>11 did Sachin Dewan say to them, because these</p> <p>12 promises were not made in Signal's offer of</p> <p>13 employment that was shown to the witness and</p> <p>14 which they signed.</p> <p>15 Q. It was made in the written letters</p> <p>16 from Sachin Dewan before the workers got on</p> <p>17 the plane, right, you have seen those that say</p> <p>18 Signal is going to sponsor you for a Green</p> <p>19 Cards?</p> <p>20 MR. ROUX: Objection as to the</p> <p>21 form.</p> <p>22 A. I have seen the documents that the</p> <p>23 workers signed in which they were not told --</p> <p>24 they did not sign that they were getting a</p> <p>25 Green Card from Signal.</p> |
| <p style="text-align: right;">Page 44</p> <p>1 Shelley</p> <p>2 Q. Have you seen any documents that</p> <p>3 the workers signed before getting on the plane</p> <p>4 to come to the United States that said on</p> <p>5 Dewan letterhead the company Signal will</p> <p>6 sponsor you for an employment based Green</p> <p>7 Cards?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. I have not seen anybody has signed</p> <p>11 anything saying that they will get a Green</p> <p>12 Cards through their employment at Signal with</p> <p>13 Signal. Their work agreement did not say</p> <p>14 that.</p> <p>15 Q. The work agreement with Signal?</p> <p>16 A. Yes.</p> <p>17 Q. And you have not seen these other</p> <p>18 agreements?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 Q. Let me ask you this. How were the</p> <p>22 thousands of E-mails and documents that you</p> <p>23 say you have reviewed in this case selected;</p> <p>24 did you ask to see everything or were you just</p> <p>25 provided a set by counsel?</p> | <p style="text-align: right;">Page 45</p> <p>1 Shelley</p> <p>2 A. I was provided a set by counsel on</p> <p>3 many topics that I asked for.</p> <p>4 Q. Did you ask counsel to show you</p> <p>5 any documents that showed that the workers</p> <p>6 were being promised that Signal was going to</p> <p>7 sponsor them for Green Cards?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. I asked for documents on</p> <p>11 everything concerning the recruitment process,</p> <p>12 concerning the employment, the conditions of</p> <p>13 employment, the pay, the offers of agreement.</p> <p>14 Q. I want to come back to the point</p> <p>15 that you made that -- am I understanding</p> <p>16 correctly that it is your opinion that Signal</p> <p>17 did not need to take affirmative steps to</p> <p>18 correct the false promise being made to the</p> <p>19 workers who were still in India about Green</p> <p>20 Cards because those promises were being made</p> <p>21 by Dewan, Pol and Burnett and not made by</p> <p>22 Signal itself; is that your opinion?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. I did not say that they were not</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 Shelley</p> <p>2 taking affirmative steps. They were working</p> <p>3 with the individuals who were directly</p> <p>4 involved who had their power of attorney.</p> <p>5 Q. Were they successful in getting</p> <p>6 their agents, the recruiter with the power of</p> <p>7 attorney, Michael Pol with whom they had a</p> <p>8 contract, Malvern Burnett with whom they had a</p> <p>9 contract, to correct the false promises before</p> <p>10 the workers got on the plane?</p> <p>11 A. They were not.</p> <p>12 MR. SHAPIRO: Objection to the</p> <p>13 form.</p> <p>14 A. They were working with them. They</p> <p>15 were working with the Bar Association of the</p> <p>16 State of Louisiana.</p> <p>17 Q. When did they do that?</p> <p>18 A. I cannot give you the date, but I</p> <p>19 have read documents on that.</p> <p>20 Q. So do I understand your testimony</p> <p>21 correctly though that it is important to your</p> <p>22 opinions in this case that your view is that</p> <p>23 Signal was actively working with it's</p> <p>24 recruiters and lawyers and the bar association</p> <p>25 to try to clear up these duplicities that were</p> | <p style="text-align: right;">Page 47</p> <p>1 Shelley</p> <p>2 involved before bringing all the workers to</p> <p>3 Signal?</p> <p>4 A. Yes, they were working on this.</p> <p>5 Q. And that is important to your</p> <p>6 opinions?</p> <p>7 A. It is a piece of it.</p> <p>8 Q. And now I want to know if you can</p> <p>9 point to me, to any specific document in the</p> <p>10 record from anyone you worked on, give me with</p> <p>11 any specificity a document that tells you that</p> <p>12 in the period between November 2006 and March</p> <p>13 of 2007 let's say Signal was working on the</p> <p>14 problem of the false promises of Green Cards,</p> <p>15 to correct those false promises with it's</p> <p>16 recruiters and lawyer or the bar association?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. In three months Signal was not yet</p> <p>20 fully aware of the promise of Green Cards.</p> <p>21 Q. So tell me when did they become</p> <p>22 fully aware of the promise of Green Cards?</p> <p>23 A. After the problems in March 2007</p> <p>24 there was greater awareness of Signal of the</p> <p>25 promises that had been made.</p> |
| <p style="text-align: right;">Page 48</p> <p>1 Shelley</p> <p>2 Q. That is your understanding that</p> <p>3 they didn't have full awareness that false</p> <p>4 promises of Green Cards were being made before</p> <p>5 March of 2007?</p> <p>6 A. There were issues --</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. There were points made by the</p> <p>10 workers, but the full documentary evidence on</p> <p>11 this such as you are talking about was</p> <p>12 certainly something they were not fully aware</p> <p>13 of.</p> <p>14 Q. What documentary evidence did</p> <p>15 Signal need to be in a position to be fully</p> <p>16 informed?</p> <p>17 A. I think the documents that you</p> <p>18 were referring to, advertisements, of</p> <p>19 statements by the recruiters to the workers.</p> <p>20 Q. And it is your understanding that</p> <p>21 Signal didn't see those advertisements or see</p> <p>22 the contract with Sachin Dewan which says that</p> <p>23 they would get sponsored for Green Cards until</p> <p>24 March of 2007?</p> <p>25 A. I am not sure how far up the</p> | <p style="text-align: right;">Page 49</p> <p>1 Shelley</p> <p>2 management chain is, but this was not</p> <p>3 something that was immediately -- that they</p> <p>4 were immediately aware of with the arrival of</p> <p>5 the workers.</p> <p>6 MR. HOWARD: Would you mark this</p> <p>7 as Shelley Exhibit 2, E-mail dated March</p> <p>8 13, 2008.</p> <p>9 (Shelley Exhibit 2, E-mail dated</p> <p>10 March 13, 2008, SIGE 0163151 to 153,</p> <p>11 marked for identification, as of this</p> <p>12 date.)</p> <p>13 Q. Professor Shelley, I am showing</p> <p>14 you what has been marked as Shelley Exhibit 2,</p> <p>15 it is a multipage document page, Bates SIGE</p> <p>16 0163151 through 153. There is an E-mail chain</p> <p>17 and I am going to focussed on an E-mail on the</p> <p>18 second page of the document dated March 10,</p> <p>19 2008 from Richard Marler to Jennifer Ludden, a</p> <p>20 reporter with NPR.</p> <p>21 My first question is have you seen</p> <p>22 this before?</p> <p>23 A. Yes.</p> <p>24 Q. Was this a document provided to</p> <p>25 you before you wrote your expert report?</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 Shelley</p> <p>2 A. Yes.</p> <p>3 MS. HANGARTNER: Alan I am just</p> <p>4 going to ask before you start to ask</p> <p>5 specific questions would you allow</p> <p>6 Professor Shelley to fully review the</p> <p>7 E-mail?</p> <p>8 MR. HOWARD: Absolutely.</p> <p>9 Q. Have you had an opportunity to</p> <p>10 review it?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have an understanding of</p> <p>13 the context of this E-mail when you reviewed</p> <p>14 it for your report?</p> <p>15 A. I understood that it was a</p> <p>16 response from the senior management to an</p> <p>17 inquiry from a journalist.</p> <p>18 Q. This is after the lawsuit had been</p> <p>19 filed; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. And the CEO, Richard Marler,</p> <p>22 suggested that a press release provided by</p> <p>23 Signal should be the subject of a positive</p> <p>24 press story on the H-2B program; correct?</p> <p>25 A. That is what he says here.</p> | <p style="text-align: right;">Page 51</p> <p>1 Shelley</p> <p>2 Q. Did you actually review the press</p> <p>3 release as well?</p> <p>4 A. Yes.</p> <p>5 Q. He says in the middle, the third</p> <p>6 paragraph: The core issue regarding the</p> <p>7 problem confronting the initial inflow of</p> <p>8 Indian guest workers occurred in India without</p> <p>9 Signal involvement or knowledge. Stated</p> <p>10 simply the workers paid Indian U.S. middlemen</p> <p>11 and U.S. lawyers too much money to get work</p> <p>12 visas and jobs at Signal. In addition several</p> <p>13 workers misrepresented their skills. These</p> <p>14 workers were also sold a bill of goods</p> <p>15 regarding obtaining Green Cards and ultimately</p> <p>16 perhaps citizenship.</p> <p>17 So this is consistent with your</p> <p>18 understanding of the duplicitous practices</p> <p>19 that caused the problem as Mr. Marler</p> <p>20 describes it here; is that correct?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 Q. Let me say it another way.</p> <p>24 He is describing as the problem</p> <p>25 being that the workers paid too much money and</p> |
| <p style="text-align: right;">Page 52</p> <p>1 Shelley</p> <p>2 they were sold a bill of goods about getting</p> <p>3 Green Cards; is that correct?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. It states that they paid too much,</p> <p>7 yes, and they were lied to about their Green</p> <p>8 Cards, yes. It also states that the workers</p> <p>9 misrepresented their skills to Signal, so that</p> <p>10 there is a problem on both sides.</p> <p>11 Q. So you agree with me the too much</p> <p>12 money and being sold a bill of goods about a</p> <p>13 Green Card was a problem?</p> <p>14 A. Everybody agrees it was a problem.</p> <p>15 Q. And Signal became aware of this</p> <p>16 problem shortly after the arrival of the</p> <p>17 initial Indian work force in late 2006, early</p> <p>18 2007; is that correct?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 Q. That is what he says?</p> <p>22 A. That is what he says, yes.</p> <p>23 Q. So he is saying when the initial</p> <p>24 workers came to Signal, and I think you and I</p> <p>25 reached agreement that that happened in</p> | <p style="text-align: right;">Page 53</p> <p>1 Shelley</p> <p>2 November 1, 2006, Signal became aware of the</p> <p>3 problem, at least according to CEO Dick</p> <p>4 Marler; correct?</p> <p>5 A. Yes. As I said I didn't know what</p> <p>6 level it reached after Signal became aware of</p> <p>7 it, but people at Signal became aware of it.</p> <p>8 I said that earlier.</p> <p>9 Q. Did you interview Dick Marler for</p> <p>10 purposes of your report?</p> <p>11 A. Yes.</p> <p>12 Q. Did you ask him about this</p> <p>13 document?</p> <p>14 A. I asked him about his knowledge of</p> <p>15 the situation. I did not particularly ask him</p> <p>16 about one particular document over another.</p> <p>17 Q. Did Mr. Marler tell you like he</p> <p>18 told Ms. Ludden that Signal became aware of</p> <p>19 the problem of too much fees and the workers</p> <p>20 being sold a bill of goods about Green Cards</p> <p>21 shortly after the arrival of the initial</p> <p>22 Indian work force?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. I did not ask him the exact dates</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 Shelley</p> <p>2 of the chain, but I knew that he was aware of</p> <p>3 a problem.</p> <p>4 Q. Did you ask Mr. Marler or any of</p> <p>5 senior management at Signal, guys, did you</p> <p>6 know that the workers were paying too much in</p> <p>7 fees or had been lied to about Green Cards</p> <p>8 while they were still workers over in India;</p> <p>9 did you ask him that question?</p> <p>10 MR. ROUX: Objection as to the</p> <p>11 form.</p> <p>12 A. I was told by management that</p> <p>13 there was a constant flow of workers after,</p> <p>14 you know, that came over this period. I did</p> <p>15 not need to ask them that question because</p> <p>16 they told me the chronology of this process.</p> <p>17 Q. Aside from telling you that</p> <p>18 workers came over a period of months, did you</p> <p>19 ask them whether for any of those workers who</p> <p>20 came after the initial workers, guys, did you</p> <p>21 know before those workers came that they had</p> <p>22 been paying too much money and been sold a</p> <p>23 bill of goods about Green Cards; did you ask</p> <p>24 them that?</p> <p>25 A. I talked to them about all of</p> | <p style="text-align: right;">Page 55</p> <p>1 Shelley</p> <p>2 these issues, so I didn't need to particularly</p> <p>3 ask them because they talked to me about the</p> <p>4 whole problem and laid it out for me.</p> <p>5 Q. As part of telling you the problem</p> <p>6 and laying it out for you, did they tell you</p> <p>7 yes, we made a decision to bring in workers</p> <p>8 even though we knew they paid too much money</p> <p>9 and that they had been sold a bill of goods</p> <p>10 about Green Cards; did they tell you that?</p> <p>11 A. No.</p> <p>12 Q. If that were in fact the case</p> <p>13 would you have a problem with that?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 Q. Would you think that would be</p> <p>17 inappropriate?</p> <p>18 A. It depends on the context -- what</p> <p>19 is appropriate -- the question comes of what</p> <p>20 do we do with these workers that have paid and</p> <p>21 put themselves in debt already.</p> <p>22 Q. Who are still in India?</p> <p>23 A. Yes.</p> <p>24 Q. So is it your testimony and your</p> <p>25 opinion that because you assumed these</p> |
| <p style="text-align: right;">Page 56</p> <p>1 Shelley</p> <p>2 workers, and I take it this is an assumption</p> <p>3 that they have paid this money and put</p> <p>4 themselves in debt in India; is that correct?</p> <p>5 A. This is an assumption?</p> <p>6 Q. Correct. For the workers who are</p> <p>7 still in India what knowledge does Signal have</p> <p>8 that they are actually in debt, have put</p> <p>9 themselves in debt in India?</p> <p>10 MR. ROUX: Objection as to the</p> <p>11 form.</p> <p>12 A. Signal would have to extrapolate</p> <p>13 from what it has heard previously.</p> <p>14 Q. Professor Shelley, as an expert in</p> <p>15 human trafficking and forced labor and issues</p> <p>16 such as the ones you teach about and study,</p> <p>17 can you identify for the jury in this case</p> <p>18 circumstances in which it would be appropriate</p> <p>19 for an employer in the United States to learn</p> <p>20 that a group of individuals in another country</p> <p>21 have been charged excessive recruiting fees by</p> <p>22 recruiters and a lawyer hired by that company</p> <p>23 to get them workers, and had been lied to</p> <p>24 about the fact that when they come to the</p> <p>25 United States they are going to get Green</p> | <p style="text-align: right;">Page 57</p> <p>1 Shelley</p> <p>2 Cards for those workers, where it would still</p> <p>3 be appropriate for that employer to bring the</p> <p>4 workers in to the country to the U.S. to work</p> <p>5 for them?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 A. That is not a clear question.</p> <p>9 Q. What is unclear about it?</p> <p>10 A. You have compounded too many</p> <p>11 elements in the question.</p> <p>12 Q. Let me try to say it again simply.</p> <p>13 Take a hypothetical, you have an</p> <p>14 employer who has hired recruiters and a lawyer</p> <p>15 to get them workers from India, with me so</p> <p>16 far?</p> <p>17 A. Yes.</p> <p>18 Q. They learn that these recruiters</p> <p>19 and lawyer have paid what the employer</p> <p>20 considers to be excessive recruiting fees,</p> <p>21 okay, are you with me?</p> <p>22 A. Yes.</p> <p>23 Q. They also learn that the</p> <p>24 recruiters and the lawyer have lied to these</p> <p>25 workers to get them to pay those fees by</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 Shelley</p> <p>2 saying they are going to get Green Cards when</p> <p>3 they come to work for the employer. The</p> <p>4 employer knows these things and makes the</p> <p>5 decision anyway to have those workers come to</p> <p>6 the United States to work for that employer.</p> <p>7 I am asking you to give me a set</p> <p>8 of circumstances in your professional opinion</p> <p>9 where that would be an appropriate and</p> <p>10 acceptable decision for the employer to make?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. The analogy that you have just</p> <p>14 given is not consistent with the situation in</p> <p>15 this case.</p> <p>16 Q. If the jury were to find based on</p> <p>17 the record it is consistent with the situation</p> <p>18 in this case, then would you agree that there</p> <p>19 are no circumstances under which it would be</p> <p>20 appropriate for the employer to make that</p> <p>21 decision?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. There are many other facts in this</p> <p>25 case, and there are many other things that</p> | <p style="text-align: right;">Page 59</p> <p>1 Shelley</p> <p>2 happened in this case other than the</p> <p>3 hypothetical that you just posed to me.</p> <p>4 Q. Tell me what facts you believe are</p> <p>5 present in this case that are not in my</p> <p>6 hypothetical that would make it appropriate</p> <p>7 for Signal to have made the decision to</p> <p>8 continue to bring workers to work at Signal</p> <p>9 despite knowing that they had paid excessive</p> <p>10 fees to the recruiters and lawyer hired by</p> <p>11 Signal, and that they had been promised</p> <p>12 falsely that they would get Green Cards at</p> <p>13 Signal?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. This is not my job to come up with</p> <p>17 the terms of a case. I can comment on</p> <p>18 specific provisions, I am not coming up with</p> <p>19 an alternative scenario.</p> <p>20 Q. With all due respect Professor I</p> <p>21 am entitled to know if you believe that</p> <p>22 Signal's actions in this case were appropriate</p> <p>23 with respect to the decision they made to</p> <p>24 bring workers from India to work at Signal</p> <p>25 even though they knew those workers had paid</p> |
| <p style="text-align: right;">Page 60</p> <p>1 Shelley</p> <p>2 excessive fees and had been lied to about</p> <p>3 Green Cards, I am entitled to know why?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. As Mr. Marler says in his</p> <p>7 statement, we have refused to do additional</p> <p>8 business with the original recruiters and</p> <p>9 lawyers. They have been replaced with what we</p> <p>10 believe to be more reliable personnel.</p> <p>11 Q. Well he actually says we</p> <p>12 immediately terminated those persons in India</p> <p>13 and the United States that were involved in</p> <p>14 the initial recruitment.</p> <p>15 A. Yes, I said that earlier.</p> <p>16 Q. Is that an accurate reflection of</p> <p>17 the record?</p> <p>18 A. As far as I know.</p> <p>19 Q. You told me you saw the agreements</p> <p>20 with for example the lawyer, Mr. Burnett;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. They hired him again in September</p> <p>24 of 2007, didn't they?</p> <p>25 A. They tried to -- they fired Mr.</p> | <p style="text-align: right;">Page 61</p> <p>1 Shelley</p> <p>2 Pol, but not Mr. Burnett.</p> <p>3 Q. Or Mr. Dewan, they didn't fire him</p> <p>4 either?</p> <p>5 A. They had serious problems with Mr.</p> <p>6 Dewan and Mr. Dewan's -- let me say. In the</p> <p>7 Indian court decision on this case the Indian</p> <p>8 court referred to this as a conspiracy of</p> <p>9 Dewan, Pol and Burnett.</p> <p>10 Q. With all due respect I don't care</p> <p>11 about the Indian court right now. My question</p> <p>12 to you was did Signal or did Signal not as Mr.</p> <p>13 Marler says in his E-mail to Jennifer Ludden,</p> <p>14 the reporter at NPR, immediately terminate Mr.</p> <p>15 Dewan when it found out from the initial</p> <p>16 workers that they paid too much money and had</p> <p>17 been sold a bill of goods about Green Cards?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. It terminated its recruitment</p> <p>21 contract, yes.</p> <p>22 Q. Your understanding is that it</p> <p>23 immediately terminated it's contract with Mr.</p> <p>24 Dewan?</p> <p>25 A. I don't know immediately because I</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 Shelley</p> <p>2 told you I don't know -- I have memos like</p> <p>3 this, I don't know exactly when Mr. Marler</p> <p>4 learned this and felt that what his will lower</p> <p>5 level staff were telling him was credible and</p> <p>6 he terminated this contract.</p> <p>7 Q. Did you ask him?</p> <p>8 A. I asked him about his concerns and</p> <p>9 he talked to me about his complex problems of</p> <p>10 disengaging from Pol, Burnett and Sachin</p> <p>11 Dewan.</p> <p>12 Q. Professor Shelley coming back to</p> <p>13 my question that I do believe I am entitled to</p> <p>14 understand your opinion. If Signal made the</p> <p>15 decision to bring workers to work at Signal</p> <p>16 from India despite knowing those specific</p> <p>17 workers had paid excessive recruiting fees and</p> <p>18 been lied to about Green Cards, I want to know</p> <p>19 the facts in your opinion that make that</p> <p>20 decision acceptable and appropriate. I</p> <p>21 understand you have given me one now, your</p> <p>22 view, your understanding of the record that</p> <p>23 Signal immediately terminated those they</p> <p>24 viewed responsible for the fees and the lies,</p> <p>25 that is Dewan, Pol and Burnett. Anything</p> | <p style="text-align: right;">Page 63</p> <p>1 Shelley</p> <p>2 else?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. They tried to work on the process</p> <p>6 to get workers' fees refunded. They tried to</p> <p>7 work with the workers to provide them, when</p> <p>8 they learned about this debt, to provide them</p> <p>9 employment so that they could pay back the</p> <p>10 debt for the workers that they had there.</p> <p>11 Q. You mentioned this a couple of</p> <p>12 times and I want to know, I want to understand</p> <p>13 your opinion in this regard. If in fact -- by</p> <p>14 the way have you read any of the deposition</p> <p>15 testimony of any of the executives of Signal</p> <p>16 in this case?</p> <p>17 A. Yes.</p> <p>18 Q. Whose?</p> <p>19 A. I have read one or two of them.</p> <p>20 They have not all been transcribed yet.</p> <p>21 Q. How about the ones from the class</p> <p>22 certification phase of the case?</p> <p>23 A. That case I have read through,</p> <p>24 yes.</p> <p>25 Q. All of them?</p> |
| <p style="text-align: right;">Page 64</p> <p>1 Shelley</p> <p>2 A. Not all of them, but I read</p> <p>3 through some of them.</p> <p>4 Q. Which ones?</p> <p>5 A. I think I have read through -- I</p> <p>6 am going to have to check in my files.</p> <p>7 Q. And were these ones that you</p> <p>8 specifically asked for from counsel or did</p> <p>9 they voluntarily select ones for you?</p> <p>10 A. They gave me some of the senior</p> <p>11 people to read.</p> <p>12 Q. Did they give you Ron Schnoor's</p> <p>13 deposition?</p> <p>14 A. I have read some of Ron Schnoor.</p> <p>15 I can't tell you if I read his deposition for</p> <p>16 that, I have to look in my files.</p> <p>17 Q. Do you recall what Mr. Schnoor</p> <p>18 answered when I asked him why he made the</p> <p>19 decision to bring workers from India whom</p> <p>20 he known had paid too much money and been lied</p> <p>21 to about Green Cards?</p> <p>22 A. No, I cannot tell you right now.</p> <p>23 Q. Do you recall the response when he</p> <p>24 said we needed the workers?</p> <p>25 A. Yes, I know that.</p> | <p style="text-align: right;">Page 65</p> <p>1 Shelley</p> <p>2 Q. Did you see what he said when I</p> <p>3 asked him the follow up whether he gave any</p> <p>4 consideration to the Indian workers</p> <p>5 themselves; do you recall what he said?</p> <p>6 A. He was concerned about the</p> <p>7 employment, but there were plenty of people at</p> <p>8 Signal who were concerned about the workers.</p> <p>9 That I have interviewed and determined in many</p> <p>10 different cases.</p> <p>11 Q. But Mr. Schnoor was not one of</p> <p>12 them; correct?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. I am not making a character</p> <p>16 judgment on Mr. Schnoor. I am confirming what</p> <p>17 you have read in that statement. But I have</p> <p>18 said that in interviewing many of the top</p> <p>19 management of Signal I have seen a great</p> <p>20 concern for the Indian workers.</p> <p>21 Q. And those are interviews that you</p> <p>22 have done in 2014 six years after this lawsuit</p> <p>23 was filed; is that correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And you give more credibility to</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 Shelley</p> <p>2 those interviews you conducted than the sworn</p> <p>3 testimony of the number 2 man at Signal as to</p> <p>4 precisely why he made the decision to bring in</p> <p>5 the workers, and whether he gave any</p> <p>6 consideration to the Indian workers at all?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. I believe in doing a diverse</p> <p>10 complex analysis of the subject and not to</p> <p>11 focus always on one line or two lines in the</p> <p>12 deposition in which somebody under pressure</p> <p>13 may not be giving the best representation of</p> <p>14 what they are saying.</p> <p>15 Q. And that is what you felt about</p> <p>16 Mr. Schnoor's testimony when you read it, so</p> <p>17 you discounted that?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. I do not say that I discounted it,</p> <p>21 it is all part of what goes into my analysis.</p> <p>22 Q. Did you talk with Mr. Schnoor, did</p> <p>23 you interview him?</p> <p>24 A. Yes.</p> <p>25 Q. Did you ask him what he meant by</p> | <p style="text-align: right;">Page 67</p> <p>1 Shelley</p> <p>2 that testimony?</p> <p>3 A. I have talked to him about his</p> <p>4 testimony, yes.</p> <p>5 Q. Have you talked to him about the</p> <p>6 testimony I just referred to?</p> <p>7 A. Yes.</p> <p>8 Q. And did he stand by it?</p> <p>9 A. I would say --</p> <p>10 MR. ROUX: Objection as to the</p> <p>11 form.</p> <p>12 A. I would say that when I talked to</p> <p>13 Mr. Schnoor I have an analysis of his</p> <p>14 financial views on this, but also his approach</p> <p>15 and concern that I registered for the workers</p> <p>16 who arrived and had this bum deal.</p> <p>17 Q. Is it your view, let's take at</p> <p>18 face value what you learned in these</p> <p>19 interviews, that Signal was concerned about</p> <p>20 the workers in India because they knew they</p> <p>21 were deep in debt and the only way they could</p> <p>22 get to pay off that debt was to actually come</p> <p>23 to work at Signal. Is that your understanding</p> <p>24 of what they were thinking?</p> <p>25 MR. ROUX: Objection as to the</p> |
| <p style="text-align: right;">Page 68</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. I cannot get entirely inside their</p> <p>4 heads, but this is one thing that some people</p> <p>5 have expressed.</p> <p>6 Q. And do you think that that is an</p> <p>7 appropriate decision for an employer to make,</p> <p>8 that is to say look, we know you have paid</p> <p>9 these excessive fees and have these debts that</p> <p>10 you paid to our agents, and we know you were</p> <p>11 lied to about Green Cards, and you are not</p> <p>12 going to get the Green Cards, but we will make</p> <p>13 the decision for you to bring you to the</p> <p>14 United States to have you work in our camps</p> <p>15 and on our facilities so you can make back the</p> <p>16 money to repay the debts you had to take out</p> <p>17 to pay the fees to our recruiters in the first</p> <p>18 place, that is a decision we will make for</p> <p>19 you, and it is not necessary for us to tell</p> <p>20 you in advance by the way guys you are only</p> <p>21 coming here temporarily and you are not</p> <p>22 getting Green Cards.</p> <p>23 In your view as an expert witness</p> <p>24 is that an appropriate decision for Signal to</p> <p>25 make?</p> | <p style="text-align: right;">Page 69</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I do not concur that there was</p> <p>5 such conscious deception as you are</p> <p>6 suggesting.</p> <p>7 Q. Was there subconscious deception?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. No.</p> <p>11 I would like to go to the</p> <p>12 bathroom.</p> <p>13 MR. HOWARD: We can take a break.</p> <p>14 Off the record.</p> <p>15 (Recess taken.)</p> <p>16 Q. Professor Shelley, looking at</p> <p>17 Exhibit 1, your report, page 41, paragraph 57?</p> <p>18 A. Yes.</p> <p>19 Q. You say: Signal did not charge</p> <p>20 the workers any employment fee, and when they</p> <p>21 learned of the situation with the recruiter</p> <p>22 they broke off their relationship with Pol.</p> <p>23 What situation are you referring</p> <p>24 to there, the excessive fees?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">Page 70</p> <p>1 Shelley</p> <p>2 Q. They broke off their relationship</p> <p>3 with Pol, but they did not break off their</p> <p>4 relationship with Dewan and Burnett at that</p> <p>5 time; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Why not?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. Burnett was their lawyer, they</p> <p>11 were trying to work with him, and eventually</p> <p>12 filed a complaint with the Louisiana Bar about</p> <p>13 him.</p> <p>14 Q. Thirteen months after they fired</p> <p>15 Pol; right?</p> <p>16 A. I don't know what happened in the</p> <p>17 interim process between the time that they</p> <p>18 fired Pol and worked with Burnett.</p> <p>19 Q. Did you believe it was an</p> <p>20 appropriate step for Signal to fire Pol?</p> <p>21 A. Yes.</p> <p>22 Q. And why wouldn't it have been</p> <p>23 appropriate too to fire Burnett and Dewan?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> | <p style="text-align: right;">Page 71</p> <p>1 Shelley</p> <p>2 A. I cannot get inside the minds of</p> <p>3 the Signal management, but from what I</p> <p>4 understand in my discussions with them they</p> <p>5 were trying to work with Dewan and work with</p> <p>6 Burnett to try to find some accommodation.</p> <p>7 Q. How many of the 500 workers that</p> <p>8 came from India in this H-2B program had</p> <p>9 arrived by the time they fired Michael Pol?</p> <p>10 A. I cannot give you an exact number,</p> <p>11 but over a hundred at least.</p> <p>12 Q. And isn't it a fact that Signal</p> <p>13 needed Burnett and needed Dewan to get those</p> <p>14 other hundreds of workers to come to Signal</p> <p>15 who were still in India?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 Q. And like Mr. Schnoor said, they</p> <p>19 needed the workers?</p> <p>20 MR. ROUX: Objection as to the</p> <p>21 form.</p> <p>22 A. I am not sure that the reason they</p> <p>23 did not fire them was that they needed the</p> <p>24 workers.</p> <p>25 Q. Could have been though; right?</p> |
| <p style="text-align: right;">Page 72</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I don't know. I do know that</p> <p>5 there were communications with both of them</p> <p>6 expressing their concerns and their trying to</p> <p>7 get them to do better.</p> <p>8 Q. Including to refund money;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And they got a letter from Dewan</p> <p>12 on behalf of himself and Burnett saying no, we</p> <p>13 are not refunding the money; correct?</p> <p>14 A. Yes.</p> <p>15 Q. They still kept working with them;</p> <p>16 correct?</p> <p>17 A. They still kept working with them</p> <p>18 to try and get them to behave better too.</p> <p>19 Q. And also to get more workers from</p> <p>20 India through them; is that correct?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. I am not saying that this was</p> <p>24 just -- you are insinuating that the</p> <p>25 relationship was kept solely for the purpose</p> | <p style="text-align: right;">Page 73</p> <p>1 Shelley</p> <p>2 of obtaining workers.</p> <p>3 Q. Was it at least part of it?</p> <p>4 A. It may be, but much of this is</p> <p>5 also an attempt to try and understand the</p> <p>6 extent of the problem and work and rectify it</p> <p>7 as they understand it. And then at this point</p> <p>8 where there is a point of no return as you</p> <p>9 pointed out the relationship is broken.</p> <p>10 Q. We have been talking about things</p> <p>11 that Signal learned after the first workers</p> <p>12 came to Signal. Have you seen any evidence to</p> <p>13 suggest that Signal knew about the promise of</p> <p>14 the Green Cards before the first worker came</p> <p>15 to Signal?</p> <p>16 A. No.</p> <p>17 MR. HOWARD: Would you mark this</p> <p>18 document as Shelley Exhibit 3, E-mail</p> <p>19 dated August 24, 2006, numbered SIGE</p> <p>20 0329048 through 50.</p> <p>21 (Shelley Exhibit 3, E-mail dated</p> <p>22 August 24, 2006, numbered SIGE 0329048</p> <p>23 through 50, marked for identification, as</p> <p>24 of this date.)</p> <p>25 Q. Professor Shelley, I am showing</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 Shelley</p> <p>2 you what has been marked as Exhibit 3 to your</p> <p>3 deposition, it is a document Bates stamped</p> <p>4 SIGE 0329048 through 9050. It is an E-mail</p> <p>5 from Global Resources, it is Michael Pol to</p> <p>6 John Sanders at Signal dated August 24, 2006.</p> <p>7 I ask whether you have ever seen</p> <p>8 this before?</p> <p>9 A. I have to read it and let you</p> <p>10 know.</p> <p>11 Q. Thank you.</p> <p>12 Have you had an opportunity to</p> <p>13 review the document?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever see this before?</p> <p>16 A. I have not seen this document. I</p> <p>17 have seen other documents that address some</p> <p>18 pieces of this.</p> <p>19 Q. Do you know who Mr. Sanders is?</p> <p>20 A. Yes.</p> <p>21 Q. Have you ever spoken with</p> <p>22 Mr. Sanders?</p> <p>23 A. No.</p> <p>24 Q. Have you read his deposition?</p> <p>25 A. I have read some things that</p> | <p style="text-align: right;">Page 75</p> <p>1 Shelley</p> <p>2 Mr. Sanders has written.</p> <p>3 Q. I asked about his deposition?</p> <p>4 A. I don't think I read his</p> <p>5 deposition. I have read many things of</p> <p>6 Mr. Sanders.</p> <p>7 Q. Did you also read things he wrote</p> <p>8 in his private journal that was kept on the</p> <p>9 Signal server?</p> <p>10 A. Yes, absolutely.</p> <p>11 Q. So in August of 2006, this is</p> <p>12 before any worker has arrived at Signal; is</p> <p>13 that correct?</p> <p>14 A. Correct.</p> <p>15 Q. And there is a discussion in here</p> <p>16 about the process in which the workers who are</p> <p>17 going to come to work at Signal on a H-2B visa</p> <p>18 have to go get interviewed by the consulate in</p> <p>19 India; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. I think you have stated you seen</p> <p>22 issues with respect to problems about the</p> <p>23 workers being coached on what answers to give</p> <p>24 the consulate; correct?</p> <p>25 A. That is correct.</p> |
| <p style="text-align: right;">Page 76</p> <p>1 Shelley</p> <p>2 Q. Does this document indicate to you</p> <p>3 the fact that the workers had to be coached</p> <p>4 before going into their interview was</p> <p>5 communicated to someone at Signal before those</p> <p>6 interviews took place?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. Someone at Signal knew that people</p> <p>10 were being prepared for interview at the</p> <p>11 consulate, yes.</p> <p>12 Q. And that they were going to be</p> <p>13 coached on the proper way to interview; is</p> <p>14 that correct?</p> <p>15 MR. ROUX: Objection as to the</p> <p>16 form.</p> <p>17 A. I would say that people going in</p> <p>18 for interviews at U.S. consulates are</p> <p>19 routinely talked to about how to handle an</p> <p>20 interview.</p> <p>21 Q. But the coaching that Mr. Pol is</p> <p>22 telling Mr. Sanders about specifically</p> <p>23 includes the fact that they should not tell</p> <p>24 the consulate that Signal is sponsoring them</p> <p>25 for permanent residence, a Green Card, because</p> | <p style="text-align: right;">Page 77</p> <p>1 Shelley</p> <p>2 if they say that they are not going to get</p> <p>3 their H-2B visa, they will be a goner; is that</p> <p>4 correct?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. What he is saying is that these</p> <p>8 people should say they are going on H-2B</p> <p>9 visas, yes.</p> <p>10 Q. And be coached not to tell the</p> <p>11 fact that we are going to process them for a</p> <p>12 Green Card, correct; that is what it says?</p> <p>13 A. Wait. It says that the workers</p> <p>14 have to explain that they are going on H-2B</p> <p>15 visas.</p> <p>16 Q. Are you specifically ignoring the</p> <p>17 words that say: More importantly there is</p> <p>18 some things that should not be known to the</p> <p>19 consulate personnel such as the fact that we</p> <p>20 are going to process them for a Green Card.</p> <p>21 If one of these guys says he is going to the</p> <p>22 U.S. for immigration and Signal is sponsoring</p> <p>23 him for permanent residency, Green Card, he is</p> <p>24 a goner.</p> <p>25 What do those words mean to you in</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 Shelley</p> <p>2 this communication between Mr. Pol and</p> <p>3 Mr. Sanders of Signal?</p> <p>4 A. It means that Mr. Pol is saying</p> <p>5 that when the workers go in they are to say</p> <p>6 that they are applying exclusively for a H-2B</p> <p>7 visa. It does not say that Signal is going to</p> <p>8 sponsor them for a permanent residence or that</p> <p>9 the workers understand that they will be</p> <p>10 sponsored for a permanent residence.</p> <p>11 Q. Just so I am clear Professor</p> <p>12 Shelley, by the words I just read to you you</p> <p>13 do not infer that Mr. Pol's understanding when</p> <p>14 he wrote this E-mail was the fact that we are</p> <p>15 going to process them for a Green Card and</p> <p>16 that Signal is sponsoring them for permanent</p> <p>17 residence?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 Q. Did Mr. Pol just make that up?</p> <p>21 A. Mr. Pol --</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. Wait. It does not say that Mr.</p> <p>25 Pol -- that we are processing them for a Green</p> | <p style="text-align: right;">Page 79</p> <p>1 Shelley</p> <p>2 Card at Signal.</p> <p>3 Q. If one of those guys says he is</p> <p>4 going to the U.S. for immigration and that</p> <p>5 Signal is sponsoring him for permanent</p> <p>6 residence, Green Card, he is a goner, why</p> <p>7 would a worker tell the consulate that Signal</p> <p>8 is sponsoring them for a Green Card unless</p> <p>9 that is what he has been told by the</p> <p>10 recruiters and the lawyer?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. I would say I have seen the</p> <p>14 advertisements that were then later that</p> <p>15 advertised for a Green Card. Having read a</p> <p>16 lot of what the workers have written, many of</p> <p>17 them did not understand that only the</p> <p>18 government can give them a Green Card.</p> <p>19 Q. My question has nothing to do with</p> <p>20 the government --</p> <p>21 A. But that is who can issue a Green</p> <p>22 Card, and that is a very important part of</p> <p>23 this.</p> <p>24 MR. ROUX: Objection.</p> <p>25 Q. Signal has control over the</p> |
| <p style="text-align: right;">Page 80</p> <p>1 Shelley</p> <p>2 decision as to which workers, if any, it would</p> <p>3 sponsor for a Green Card; is that correct?</p> <p>4 A. That is correct, that after they</p> <p>5 stayed for a while eventually they might be</p> <p>6 able to sponsor them for a Green Card, and</p> <p>7 they have done that.</p> <p>8 Q. Well we will talk about that in a</p> <p>9 bit. But at least as of November of 2006 when</p> <p>10 the first workers came right through March of</p> <p>11 2007 when the last workers were there, Signal</p> <p>12 had made no decision and had no intent at that</p> <p>13 time to sponsor all of these H-2B workers for</p> <p>14 Green Cards, isn't that a correct statement;</p> <p>15 that is what their testimony is; is that</p> <p>16 correct?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. They had made a commitment to the</p> <p>20 H-2B visa program to sponsor them for initial</p> <p>21 visa of nine months.</p> <p>22 Q. And my question was they had also</p> <p>23 did not have the intent at that time to</p> <p>24 sponsor all of the employees for Green Cards;</p> <p>25 is that correct?</p> | <p style="text-align: right;">Page 81</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 Q. You have read the testimony of Ron</p> <p>5 Schnoor?</p> <p>6 A. Yes, and some of them you want to</p> <p>7 see if there are workers that are qualified</p> <p>8 under the conditions of the program to qualify</p> <p>9 for a Green Card.</p> <p>10 Q. And --</p> <p>11 A. That is important.</p> <p>12 Q. And as Mr. Schnoor said to the</p> <p>13 extent that the workers were promised that</p> <p>14 Signal would sponsor each and every one of</p> <p>15 them for a Green Card, that was a false</p> <p>16 promise; is that correct?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. There is not a promise that Signal</p> <p>20 delivered in it's contract of employment that</p> <p>21 it would give them a Green Card.</p> <p>22 Q. But there was a promise delivered</p> <p>23 by the agents of Signal to these workers that</p> <p>24 Signal would sponsor them all for Green Cards;</p> <p>25 yes or no?</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. The recruiter engaged in</p> <p>5 duplicitous practice unaware as I have said</p> <p>6 before before they came to the United States</p> <p>7 of what Signal would do.</p> <p>8 Q. So is it your testimony that this</p> <p>9 August 24, 2006 E-mail to Mr. Sanders of</p> <p>10 Signal which was written months before any</p> <p>11 worker came to Signal would have given Signal</p> <p>12 no clue that its recruiters like Mr. Pol were</p> <p>13 telling the workers that Signal is going to</p> <p>14 sponsor them for permanent residence and a</p> <p>15 Green Card?</p> <p>16 A. Correct.</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. Mr. Sanders is not a lawyer, he is</p> <p>20 not somebody who understands the implications</p> <p>21 of all of this.</p> <p>22 Q. So is the answer to my question</p> <p>23 yes, at least as far as the E-mail that Mr.</p> <p>24 Sanders is concerned would have communicated</p> <p>25 to him that Signal's recruiter was telling the</p> | <p style="text-align: right;">Page 83</p> <p>1 Shelley</p> <p>2 workers that Signal was going to sponsor them</p> <p>3 for Green Cards, but your position is he might</p> <p>4 not have appreciated that because he is not a</p> <p>5 lawyer?</p> <p>6 MR. ROUX: Objection to form.</p> <p>7 A. Exactly, yes.</p> <p>8 MR. HOWARD: Would you mark this</p> <p>9 in as Shelley Exhibit 4, handwritten note</p> <p>10 Bates numbered SIGP 0053101.</p> <p>11 (Shelley Exhibit 4, handwritten</p> <p>12 note Bates numbered SIGP 0053101, marked</p> <p>13 for identification, as of this date.)</p> <p>14 Q. Professor Shelley, I am showing</p> <p>15 you now a one-page document, SIGP 0053101,</p> <p>16 identified as Exhibit 4 to your deposition.</p> <p>17 It is a page from notes and I will represent</p> <p>18 to you these are notes from Mr. Sanders. Do</p> <p>19 you recognize this handwriting from materials</p> <p>20 that he wrote that you have reviewed?</p> <p>21 A. I mostly reviewed typed forms of</p> <p>22 his comments.</p> <p>23 Q. Have you seen any of his</p> <p>24 handwritten notes in conjunction with a</p> <p>25 meeting that was going to be held with Mr. Pol</p> |
| <p style="text-align: right;">Page 84</p> <p>1 Shelley</p> <p>2 on November 20, 2006?</p> <p>3 A. I have not seen his handwritten</p> <p>4 notes for that.</p> <p>5 Q. He states in these notes from his</p> <p>6 discussion with a worker that they paid</p> <p>7 \$15,800, and that assurance of Green Card is</p> <p>8 why they came. You have no knowledge of these</p> <p>9 notes or the context of these notes?</p> <p>10 A. That is a very different question.</p> <p>11 I have knowledge of the contents, but I have</p> <p>12 not seen the handwritten notes.</p> <p>13 Q. Context is what I asked, I was not</p> <p>14 asking contents, I'm sorry.</p> <p>15 Do you have knowledge of the</p> <p>16 context in which these notes were prepared?</p> <p>17 A. I have knowledge that Mr. Sanders</p> <p>18 was one of the first people to be informed and</p> <p>19 to be concerned about the fact that these</p> <p>20 payments were made.</p> <p>21 Q. And that assurances of Green Cards</p> <p>22 were given; is that correct?</p> <p>23 A. He was the first person that I am</p> <p>24 aware of that knew of this.</p> <p>25 Q. And he might have even known it as</p> | <p style="text-align: right;">Page 85</p> <p>1 Shelley</p> <p>2 far back as August of 2006, but he didn't</p> <p>3 recognize -- appreciate the issue; is that</p> <p>4 correct?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I don't know what is in Mr.</p> <p>8 Sanders' mind, but this is the first time when</p> <p>9 I heard of this that I learned that he knew</p> <p>10 about these Green Cards.</p> <p>11 Q. Do you know with whom Mr. Sanders</p> <p>12 shared the information in these notes on or</p> <p>13 about November 17, 2006 at Signal?</p> <p>14 A. I am not sure who directly he</p> <p>15 shared these notes with. I do know that Mr.</p> <p>16 Sanders eventually expressed his concerns of</p> <p>17 what was going on.</p> <p>18 Q. To whom did Mr. Sanders report at</p> <p>19 Signal?</p> <p>20 A. Mr. Sanders reported to higher</p> <p>21 levels of management.</p> <p>22 Q. How high?</p> <p>23 A. I am not sure exactly the</p> <p>24 executive chain in Signal, but I know that</p> <p>25 they were aware -- some of the management was</p> |

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| <p style="text-align: right;">Page 86</p> <p>1 Shelley</p> <p>2 aware of these things that Mr. Sanders was</p> <p>3 finding out.</p> <p>4 Q. Including Mr. Schnoor, the number</p> <p>5 2 guy and the head at Mississippi; is that</p> <p>6 correct?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. I believe that Mr. Schnoor</p> <p>10 eventually learned of this. I don't know the</p> <p>11 exact date that Mr. Schnoor learned of this.</p> <p>12 Q. Well three days later was the</p> <p>13 meeting with Mr. Pol in which he fired</p> <p>14 Mr. Pol. Would it be safe to say that he</p> <p>15 learned it in or about this time period?</p> <p>16 A. I would say that that is likely,</p> <p>17 yes.</p> <p>18 MR. HOWARD: Would you mark this</p> <p>19 document as Shelley Exhibit 5, letter</p> <p>20 dated December 1, 2006, Bates numbered</p> <p>21 HRT_SIB 000368444.</p> <p>22 (Shelley Exhibit 5, letter dated</p> <p>23 December 1, 2006, Bates numbered HRT_SIB</p> <p>24 000368444, marked for identification, as</p> <p>25 of this date.)</p> | <p style="text-align: right;">Page 87</p> <p>1 Shelley</p> <p>2 Q. Professor Shelley I am showing you</p> <p>3 Exhibit 5, a one-page document dated December</p> <p>4 1, 2006, engagement letter from Signal</p> <p>5 International to Malvern Burnett, Bates number</p> <p>6 HRT_SIB 000368444. Have you ever seen this</p> <p>7 letter before.</p> <p>8 A. Let me read it and I will let you</p> <p>9 know.</p> <p>10 Q. Thank you.</p> <p>11 Have you had an opportunity to</p> <p>12 read the letter?</p> <p>13 A. Yes.</p> <p>14 Q. Have you seen it before?</p> <p>15 A. I am not sure. I have seen</p> <p>16 correspondence between Signal and Burnett, I</p> <p>17 am not sure if I saw this letter.</p> <p>18 Q. Here Ron Schnoor, the person I</p> <p>19 think that we just established learned of</p> <p>20 these issues regarding the recruiting fees and</p> <p>21 the assurances of Green Cards in November of</p> <p>22 2006, is now engaging Mr. Burnett on December</p> <p>23 1, 2006; is that right?</p> <p>24 A. That is what appears to be.</p> <p>25 Q. And in the second paragraph he</p> |
| <p style="text-align: right;">Page 88</p> <p>1 Shelley</p> <p>2 says: We further confirm that your fees and</p> <p>3 costs incurred in representing Signal in this</p> <p>4 matter will be billed to and paid by the</p> <p>5 skilled foreign workers. Signal will have no</p> <p>6 responsibility for your fees and expenses.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. So here is a man who knows that</p> <p>10 the workers who are still in India are being</p> <p>11 charged excessive recruiting fees, and he</p> <p>12 writes a letter to the lawyer saying go ahead,</p> <p>13 you are working for us, but you are going to</p> <p>14 get all your fees from the workers themselves,</p> <p>15 we don't have to pay you a penny. That is</p> <p>16 what this says; right?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. It does not say that Mr. Schnoor</p> <p>20 is aware that they are paying excessive fees.</p> <p>21 He is saying that he has hired a recruiter to</p> <p>22 obtain the workers and they are responsible</p> <p>23 for the recruitment process.</p> <p>24 Q. He has hired a lawyer here who is</p> <p>25 going to get all his fees for working for</p> | <p style="text-align: right;">Page 89</p> <p>1 Shelley</p> <p>2 Signal from the workers; is that correct?</p> <p>3 A. They are a contractual agreement,</p> <p>4 yes, that the recruiters, Pol, Burnett and</p> <p>5 Sachin Dewan are the recruiters that are</p> <p>6 handling all of this, yes.</p> <p>7 Q. If the record is that Mr. Schnoor</p> <p>8 was well aware and of the opinion that the</p> <p>9 fees being charged by the recruiters and</p> <p>10 Mr. Burnett the lawyer were excessive and</p> <p>11 unreasonable before December 1, 2006, would</p> <p>12 you have a problem with him on behalf of</p> <p>13 Signal engaging Mr. Burnett with the specific</p> <p>14 provision that he can go ahead and collect</p> <p>15 those fees without any limit from the workers?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. This document is on November 17th,</p> <p>19 right?</p> <p>20 Q. You are talking about Exhibit 4?</p> <p>21 A. Exhibit 4, exactly.</p> <p>22 Q. Right.</p> <p>23 A. In which Mr. Sanders has had a</p> <p>24 discussion with a worker, right?</p> <p>25 Q. Well --</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 Shelley</p> <p>2 A. I am answering your question.</p> <p>3 Q. I understand, but let me cut to</p> <p>4 the chase because I want to give you one other</p> <p>5 fact that you need to keep in mind.</p> <p>6 On November 20th, twelve days</p> <p>7 before Mr. Schnoor signs this letter with</p> <p>8 Mr. Burnett, Signal and Mr. Schnoor meet with</p> <p>9 Michael Pol, tell him we are going to fire you</p> <p>10 because of the excessive fees. That happened</p> <p>11 twelve days before they write this letter. So</p> <p>12 I am just not relying on Mr. Sanders' note, I</p> <p>13 am relying on a meeting in which Mr. Schnoor</p> <p>14 himself fired Mr. Pol because of the excessive</p> <p>15 fees.</p> <p>16 Now I am asking you is it</p> <p>17 appropriate twelve days later for</p> <p>18 Mr. Schnoor -- eleven days later, only 30 days</p> <p>19 in November -- eleven days later for</p> <p>20 Mr. Schnoor to write an engagement letter</p> <p>21 authorizing Mr. Burnett to charge all of his</p> <p>22 fees to the workers?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. I am not a party to this</p> | <p style="text-align: right;">Page 91</p> <p>1 Shelley</p> <p>2 relationship between Pol and Burnett, but if</p> <p>3 you fired one part of this relationship for</p> <p>4 charging excessive fees, then if you want to</p> <p>5 keep your job you may not do the same.</p> <p>6 It is not assuring, this is not</p> <p>7 evidence that Mr. Burnett is going to keep</p> <p>8 doing the same behavior. You might think if</p> <p>9 you were a corporation engaging with somebody</p> <p>10 that after you fired somebody for certain</p> <p>11 behavior that the rest of the people will not</p> <p>12 behave the same way afterwards.</p> <p>13 Q. Mr. Schnoor could have included</p> <p>14 language in the engagement letter that he</p> <p>15 wrote to Malvern Burnett, we can confirm that</p> <p>16 your fees and costs incurred in representing</p> <p>17 Signal in this matter at a cap of \$1,000 per</p> <p>18 worker will be billed and paid by the skilled</p> <p>19 foreign workers. He could have put in a cap,</p> <p>20 couldn't he have?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. He could have put in anything,</p> <p>24 yes.</p> <p>25 Q. Right, so he is responsible for</p> |
| <p style="text-align: right;">Page 92</p> <p>1 Shelley</p> <p>2 what he did put in and what he didn't put in,</p> <p>3 is he not?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. Legally he is responsible.</p> <p>7 Whether this is advisable, that is another</p> <p>8 question.</p> <p>9 Q. Well that is a question I am</p> <p>10 asking you. You are here as an expert witness</p> <p>11 who wrote a 40 some odd page report basically</p> <p>12 saying that Signal did nothing wrong here. So</p> <p>13 I want to know in your opinion now having seen</p> <p>14 that Signal knew of the excessive fees and yet</p> <p>15 went ahead and re-engaged Mr. Burnett to go</p> <p>16 ahead and continue collecting all the fees for</p> <p>17 his work for Signal from the workers</p> <p>18 themselves was appropriate?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I in my statement have not said</p> <p>22 that everything was good at Signal, right.</p> <p>23 This is not a categorical blanket defense of</p> <p>24 this. I had said, as I stand by my statement,</p> <p>25 that there was duplicitous behavior that they</p> | <p style="text-align: right;">Page 93</p> <p>1 Shelley</p> <p>2 were not aware of. The fact of -- and I am</p> <p>3 not a lawyer who reviews contract letters of</p> <p>4 employment. I am a specialist on the process</p> <p>5 of human trafficking, and you are asking me to</p> <p>6 answer about what would be the best procedure</p> <p>7 to answer in a contractual letter, and whether</p> <p>8 a lawyer should have had him list a cap on</p> <p>9 this. That is not what I do for a living,</p> <p>10 that is what you do for a living, is advise on</p> <p>11 contractual relationships.</p> <p>12 Q. Putting aside the engagement</p> <p>13 letter with Mr. Burnett, if Signal was going</p> <p>14 to make the decision to keep working with him</p> <p>15 to bring in hundreds more workers, and they</p> <p>16 knew he was party to charging excessive fees,</p> <p>17 do you think it would have been appropriate</p> <p>18 and advisable for Signal to tell him if you</p> <p>19 are going to keep working for us and keep</p> <p>20 bringing workers for us, you have to cap your</p> <p>21 fees. We are not going to let you charge what</p> <p>22 we believe to be excessive and unreasonable</p> <p>23 fees. Would that have been an appropriate</p> <p>24 step for Signal to have taken?</p> <p>25 MR. ROUX: Objection as to the</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. I am not party to all of these</p> <p>4 discussions that Signal had with Burnett. But</p> <p>5 the fact that these -- that there were</p> <p>6 discussions between Signal and Burnett I know</p> <p>7 about. The fact that this is not a well drawn</p> <p>8 letter is not what I comment on.</p> <p>9 Q. In your view in connection with</p> <p>10 Signal's decisions that they made after</p> <p>11 learning about the problem being defined by</p> <p>12 you as these duplicitous practices, did Signal</p> <p>13 do anything wrong?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. Do anything wrong; what do you</p> <p>17 mean?</p> <p>18 Q. Well you said you are not here to</p> <p>19 say that they did everything right. I am</p> <p>20 asking you specifically with the decisions</p> <p>21 that they made that we have been talking about</p> <p>22 for two hours now, in your view did they do</p> <p>23 anything else?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> | <p style="text-align: right;">Page 95</p> <p>1 Shelley</p> <p>2 A. I think there are things that they</p> <p>3 could have done better. I am not ready to say</p> <p>4 they did everything wrong.</p> <p>5 Q. Not everything wrong, did they do</p> <p>6 anything wrong in your view?</p> <p>7 A. There are certainly things that</p> <p>8 they could have done much better.</p> <p>9 Q. What?</p> <p>10 A. For example when the workers</p> <p>11 arrived at Signal they could have had staff</p> <p>12 training on, you know -- they could have had</p> <p>13 more staff to welcome the workers. They did</p> <p>14 not have enough processing staff. That is one</p> <p>15 example.</p> <p>16 Q. Anything else?</p> <p>17 A. I can give examples also of when</p> <p>18 they got more -- they needed to buy more</p> <p>19 trailers and they went out and ordered more</p> <p>20 trailers. But they didn't have as many</p> <p>21 trailers in place when the first workers</p> <p>22 arrived that they thought were desirable. I</p> <p>23 mean this is not as if Signal did everything</p> <p>24 right, and they will be the first ones as I</p> <p>25 have talked to them to admit that they did not</p> |
| <p style="text-align: right;">Page 96</p> <p>1 Shelley</p> <p>2 do everything right. Nobody does everything</p> <p>3 right and it is a complex situation. But to</p> <p>4 say and ask me are they wrong, I am explaining</p> <p>5 and analyzing the situation, all right.</p> <p>6 Q. I want to focus now specifically</p> <p>7 on the topic we have been talking about today,</p> <p>8 and that is decisions Signal made and choices</p> <p>9 it made what it did and what it didn't do in</p> <p>10 terms of correcting the problem being the</p> <p>11 excessive fees and the false promises of Green</p> <p>12 Cards before continuing to bring in hundreds</p> <p>13 of more workers to Signal after it learned</p> <p>14 about that problem. I want to know</p> <p>15 specifically with respect to Signal's conduct</p> <p>16 in that regard is it your opinion that they</p> <p>17 did everything right or could they have done</p> <p>18 that better too?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. Nobody does everything right.</p> <p>22 Q. What could they have done better</p> <p>23 in that process?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> | <p style="text-align: right;">Page 97</p> <p>1 Shelley</p> <p>2 A. I think that they could have</p> <p>3 worked much better with the recruiters. I</p> <p>4 think as you suggested maybe there could have</p> <p>5 been a more informed procedure to work with</p> <p>6 these workers in India. But as I have said in</p> <p>7 this statement there was so little available</p> <p>8 for anybody who was involved in the</p> <p>9 recruitment process of workers at that time.</p> <p>10 Q. So little what available?</p> <p>11 A. Information as you have today on</p> <p>12 the web, on reports, on analyses of what you</p> <p>13 need to do to properly recruit workers.</p> <p>14 Q. What information in your view as</p> <p>15 the expert was unavailable to Signal in the</p> <p>16 fall of 2006 that is available today that</p> <p>17 would have better informed their decision</p> <p>18 making process in what to do about the workers</p> <p>19 that they knew to have paid excessive fees and</p> <p>20 been lied to about Green Cards?</p> <p>21 A. As I have said here that I have</p> <p>22 done a really careful review of the</p> <p>23 literature. So as I said at the present</p> <p>24 time --</p> <p>25 Q. Where are you reading?</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 Shelley</p> <p>2 A. Point 62.</p> <p>3 Q. Okay.</p> <p>4 A. At the present time a perspective</p> <p>5 employer of H-2B workers could go to the</p> <p>6 web-site of Veriti, a non-profit that advises</p> <p>7 employers on supply chains and labor practices</p> <p>8 overseas.</p> <p>9 I have been through extensive</p> <p>10 material of problems of recruitment both in</p> <p>11 the United States and in Europe. I have gone</p> <p>12 through the footnotes of the publications that</p> <p>13 were available which advised employers on what</p> <p>14 problems there were. What problems there are</p> <p>15 with recruitment. What you need to be careful</p> <p>16 of. None of them or maybe one of them, but it</p> <p>17 has an early date saying there is a problem,</p> <p>18 was there information available prior to 2006</p> <p>19 and hardly anything available even in 2008.</p> <p>20 Q. My question to you is this</p> <p>21 universe of information that you say was not</p> <p>22 available in 2006 that is currently available,</p> <p>23 what specific information had it been</p> <p>24 available to Signal in the fall of 2006 would</p> <p>25 have factored into or changed how Signal acted</p> | <p style="text-align: right;">Page 99</p> <p>1 Shelley</p> <p>2 in 2006?</p> <p>3 A. It is not just information, it is</p> <p>4 services that are available to corporations</p> <p>5 that want to do the right thing. So that</p> <p>6 there are people that can advise them to vet</p> <p>7 the recruitment process, to work on it that</p> <p>8 did not exist at that time.</p> <p>9 Q. So again my question though is</p> <p>10 those resources that are available now that</p> <p>11 were not available then, in your opinion what</p> <p>12 specific impact would that have had on what</p> <p>13 Signal did; how would their actions have</p> <p>14 changed had they had access to that</p> <p>15 information?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. If you had access to information</p> <p>19 on problems with recruitment they might have</p> <p>20 asked much more pointed questions of Mr. Pol</p> <p>21 before they retained him, before it came to</p> <p>22 the point of dismissing him. There would be</p> <p>23 much more knowledge and many more questions</p> <p>24 one could ask on recruitments, on</p> <p>25 misstatements. Like you are saying that Mr.</p> |
| <p style="text-align: right;">Page 100</p> <p>1 Shelley</p> <p>2 Sanders did -- I mean he may have known, but I</p> <p>3 don't think he appreciated all of this. These</p> <p>4 are now, you know, there are now materials</p> <p>5 that go A, B, C, D, that did not exist.</p> <p>6 Q. What specific information</p> <p>7 concerning the duplicitous practices is it</p> <p>8 your opinion that Signal did not have during</p> <p>9 the period 2006 to 2007 that it could have had</p> <p>10 and would have had had it had access to these</p> <p>11 web-sites and resources that are available</p> <p>12 today?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. It is not just a question of</p> <p>16 information, it is a question of how to handle</p> <p>17 the situation which it did not have.</p> <p>18 Q. And because it lacked the</p> <p>19 information is it your opinion that they did</p> <p>20 not handle the situation as they should have?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. I think that they could have</p> <p>24 handled the situation better. I think Signal</p> <p>25 would agree with you that they could have</p> | <p style="text-align: right;">Page 101</p> <p>1 Shelley</p> <p>2 handled the situation better. I don't think</p> <p>3 anyone would disagree. But this does not mean</p> <p>4 that they are engaged in human trafficking</p> <p>5 because they are not handling a situation as</p> <p>6 well as could be desired.</p> <p>7 Q. In fact would you agree with me</p> <p>8 that they handled the situation pretty poorly?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. I will say that they could handle</p> <p>12 it better. I will not say they handled it</p> <p>13 poorly. Compared to other work I have seen,</p> <p>14 studied, read, I would not say that they, you</p> <p>15 know, they handled it poorly. There are many</p> <p>16 worse examples.</p> <p>17 Q. I want to turn to another issue,</p> <p>18 and if you look at your report at page 33,</p> <p>19 paragraph 38?</p> <p>20 A. Yes.</p> <p>21 Q. Paragraph that begins:</p> <p>22 Mr. Kadakkarappally and Sabulal Vijayan are</p> <p>23 being mentioned as being subject to</p> <p>24 deportation according to Ms. Burke because</p> <p>25 they objected to the conditions at the man</p> |

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| <p style="text-align: right;">Page 102</p> <p>1 Shelley</p> <p>2 camp. Signal did not seek to dismiss these</p> <p>3 two men for their comments, but for the fact</p> <p>4 that their comments agitated the workers</p> <p>5 undermining their work performance.</p> <p>6 What is your source for that</p> <p>7 statement that you make?</p> <p>8 A. I interviewed many of the managers</p> <p>9 at Signal.</p> <p>10 Q. Whom did you interview</p> <p>11 specifically with respect to the termination</p> <p>12 of those two individuals?</p> <p>13 A. I spoke to much of senior</p> <p>14 management. I had a meeting with them in July</p> <p>15 and asked for them to explain about these two</p> <p>16 individuals, Mr. Kadakkarappally and Vijayan</p> <p>17 and, you know, what happened with their</p> <p>18 termination. Subsequently I went through</p> <p>19 their financial records to see what was their</p> <p>20 payment, their qualifications.</p> <p>21 So I did not just take the word of</p> <p>22 the interviews, I looked for other things on</p> <p>23 the records of these two individuals.</p> <p>24 Q. And you are aware that they were</p> <p>25 terminated on March 9, 2007; is that correct?</p> | <p style="text-align: right;">Page 103</p> <p>1 Shelley</p> <p>2 A. Yes.</p> <p>3 Q. What records in the period leading</p> <p>4 up to the termination on March 9, 2007</p> <p>5 relating to that termination decision did you</p> <p>6 review?</p> <p>7 A. I have read -- that is too narrow.</p> <p>8 I have read much more than relating to their</p> <p>9 termination decision. I have read material</p> <p>10 related to their employment record, their</p> <p>11 payments, the hours that they received. I</p> <p>12 have read also their T visa statements. I</p> <p>13 have interviewed -- and I have interviewed the</p> <p>14 staff.</p> <p>15 Q. Did you read any deposition</p> <p>16 testimony concerning the events of March 9,</p> <p>17 2007?</p> <p>18 A. I have read some deposition, I</p> <p>19 also read the medical records, the hospital</p> <p>20 records after Mr. Vijayan's what I would call</p> <p>21 self mutilation. I have looked at the witness</p> <p>22 reports. I interviewed somebody that was at</p> <p>23 the hospital with him.</p> <p>24 Q. The hospital records refer to</p> <p>25 Mr. Vijayan's admission as a suicide attempt,</p> |
| <p style="text-align: right;">Page 104</p> <p>1 Shelley</p> <p>2 do they not?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. They referred to him as trying to</p> <p>6 cut his wrists.</p> <p>7 Q. Do they not use the word suicide</p> <p>8 attempt in some of those hospital records?</p> <p>9 A. They may.</p> <p>10 Q. Do you have some problem with</p> <p>11 calling it a suicide attempt and why you want</p> <p>12 to use this term self mutilation?</p> <p>13 A. Yes.</p> <p>14 Q. Why is that?</p> <p>15 A. I find that Mr. Vijayan's behavior</p> <p>16 after he cut his wrists, I mean if someone</p> <p>17 intends to commit suicide they don't come</p> <p>18 running out, you know, displaying themselves.</p> <p>19 This is not the way one commits suicide.</p> <p>20 Q. Are you an expert on suicide</p> <p>21 attemptees; people who attempt suicide?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. I am not a specialist from a</p> <p>25 psychological point of view, but I have in my</p> | <p style="text-align: right;">Page 105</p> <p>1 Shelley</p> <p>2 past taught deviant behavior. So I am not a</p> <p>3 psychologist, but it is something that I do</p> <p>4 happen to know something about from earlier</p> <p>5 stages in my career.</p> <p>6 Q. You are aware of the Forbes</p> <p>7 article in which CEO of Signal Richard Marler</p> <p>8 referred to Mr. Vijayan's suicide attempt as a</p> <p>9 bunch of nonsense, theatrics; correct?</p> <p>10 A. I have seen that. I have read</p> <p>11 many articles on this.</p> <p>12 Q. I take it that you are in</p> <p>13 agreement with his view of that act?</p> <p>14 A. Not entirely.</p> <p>15 Q. But you don't consider it in your</p> <p>16 view to be -- well do you consider it to have</p> <p>17 been a serious act, let me ask you that;</p> <p>18 serious in the sense of reflecting true</p> <p>19 psychological distress?</p> <p>20 MR. ROUX: Objection as to the</p> <p>21 form.</p> <p>22 A. I am not a specialist on</p> <p>23 psychology. I have not interviewed Mr.</p> <p>24 Vijayan.</p> <p>25 Q. By calling it self-mutilation as</p> |

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| <p style="text-align: right;">Page 106</p> <p>1 Shelley</p> <p>2 opposed to a suicide attempt are you</p> <p>3 expressing your opinion that it was a less</p> <p>4 significant event than it might be portrayed?</p> <p>5 A. Yes.</p> <p>6 Q. And of what relevance to your</p> <p>7 opinions is that conclusion?</p> <p>8 A. It is relevant in understanding</p> <p>9 the overall circumstances of this case.</p> <p>10 Q. And in particular the events of</p> <p>11 March 9th; correct?</p> <p>12 A. Not only the events of March 9th.</p> <p>13 Q. Have you read the testimony of the</p> <p>14 security guard, Mr. Beaufort, from Swetman</p> <p>15 Security, who was brought in as part of the</p> <p>16 effort by Signal to terminate and deport Mr.</p> <p>17 Vijayan and seven other workers?</p> <p>18 MR. ROUX: Objection to the form.</p> <p>19 A. No, I have not.</p> <p>20 Q. Have you read his statement that</p> <p>21 Signal obtained within a day of the event?</p> <p>22 A. No.</p> <p>23 Q. Have you read any of the Signal</p> <p>24 employee witness statements as to that event?</p> <p>25 A. I have read some materials on this</p> | <p style="text-align: right;">Page 107</p> <p>1 Shelley</p> <p>2 event, and I have interviewed the workers on</p> <p>3 this event.</p> <p>4 Q. Which --</p> <p>5 A. Some of the management.</p> <p>6 Q. You interviewed Mr. Snyder?</p> <p>7 A. Yes.</p> <p>8 Q. Did you review his deposition on</p> <p>9 this issue?</p> <p>10 A. I have looked at some parts of his</p> <p>11 deposition, not read the whole thing from</p> <p>12 start to finish.</p> <p>13 Q. The whole thing was made available</p> <p>14 to you but you chose not to read the whole</p> <p>15 thing?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. I have had everything that I have</p> <p>19 let's say requested, nothing has been held</p> <p>20 back from me.</p> <p>21 Q. My question then is you chose then</p> <p>22 what portions of Mr. Snyder's deposition to</p> <p>23 read and which not to read?</p> <p>24 A. No. In the interest of time and</p> <p>25 limitations of time from the time I was hired</p> |
| <p style="text-align: right;">Page 108</p> <p>1 Shelley</p> <p>2 to the time I presented my report, I had</p> <p>3 limited time and therefore I chose to focus on</p> <p>4 what I could focus on.</p> <p>5 Q. Is it your intent between now and</p> <p>6 trial to go back and do a more thorough review</p> <p>7 of the record and the deposition transcripts</p> <p>8 in this case to further inform your opinions?</p> <p>9 A. Absolutely.</p> <p>10 Q. How much more time would you</p> <p>11 anticipate spending?</p> <p>12 A. I am going to have to make a</p> <p>13 determination with the lawyers, with the</p> <p>14 company of how much more time I am going to</p> <p>15 spend. But many things that I wanted are just</p> <p>16 becoming available as well.</p> <p>17 Q. What things are just becoming</p> <p>18 available that were not available to you when</p> <p>19 you were engaged in May?</p> <p>20 A. Many of the depositions that are</p> <p>21 going on today.</p> <p>22 Q. How about the depositions that</p> <p>23 occurred in June, were those made available to</p> <p>24 you?</p> <p>25 A. The depositions in June only very,</p> | <p style="text-align: right;">Page 109</p> <p>1 Shelley</p> <p>2 very little of it, mostly discussions of</p> <p>3 those.</p> <p>4 Q. We have a correspondence that</p> <p>5 suggests you would be submitting an update to</p> <p>6 your expert report in advance of your</p> <p>7 deposition. Have you done an update to</p> <p>8 Exhibit 1?</p> <p>9 A. No. I just finished this one. I</p> <p>10 finished one in the Texas case and I finished</p> <p>11 this. There has been no update.</p> <p>12 Q. Now what impact if any do the</p> <p>13 circumstances surrounding the termination of</p> <p>14 Mr. Kadakkarappally and Vijayan have on your</p> <p>15 opinions?</p> <p>16 A. It is one piece of information</p> <p>17 that I have factored into my overall opinions.</p> <p>18 Q. And based on the records you have</p> <p>19 reviewed did Signal do anything wrong with</p> <p>20 respect to the termination, the decision to</p> <p>21 terminate those individuals and how they</p> <p>22 carried out that decision?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. Put it this way, I have had</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 Shelley</p> <p>2 explained to me why Signal terminated the</p> <p>3 workers, which I have expressed here. And I</p> <p>4 think that the handling of this and the way</p> <p>5 that the dismissal was handled could have been</p> <p>6 handled better.</p> <p>7 Q. Is it your opinion that the way it</p> <p>8 was handled contributed to a perception among</p> <p>9 the workers in the Mississippi camp that if</p> <p>10 they complained, if they acted improperly</p> <p>11 toward Signal they were at risk of the same</p> <p>12 treatment, that is being rounded up by</p> <p>13 security guards for forced deportation?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. They have alleged this in their T</p> <p>17 visa applications. That is all I can say on</p> <p>18 that.</p> <p>19 Q. Having read everything that you</p> <p>20 have read about what transpired that day could</p> <p>21 you see why they would perceive based on</p> <p>22 Signal's not handling it as well as they</p> <p>23 could, why they would perceive that threat?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> | <p style="text-align: right;">Page 111</p> <p>1 Shelley</p> <p>2 A. I have problems with the way the</p> <p>3 workers and their T visa's have described</p> <p>4 their perception of this problem.</p> <p>5 Q. What do you think would have been</p> <p>6 an appropriate perception of the workers in</p> <p>7 the Mississippi camp when they see their</p> <p>8 colleagues being rounded up by 300 pound</p> <p>9 security guards and put in a trailer to be</p> <p>10 forcibly deported to India?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. For people to allege that they</p> <p>14 have been trafficked based on something that</p> <p>15 they have not seen, something that they have</p> <p>16 not heard, and have not explained well is</p> <p>17 extremely problematic to me.</p> <p>18 Q. Can you answer my question though?</p> <p>19 A. That is my answer to your</p> <p>20 question.</p> <p>21 Q. What about the Mississippi workers</p> <p>22 in the Mississippi camp who saw everything</p> <p>23 that happened that day, would you have a</p> <p>24 problem with their perception?</p> <p>25 MR. ROUX: Objection as to the</p> |
| <p style="text-align: right;">Page 112</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. I would say that things were</p> <p>4 mishandled, but I don't -- I also think that</p> <p>5 there was -- I wouldn't call it theatrics, but</p> <p>6 I would say that there are serious problems in</p> <p>7 the orchestration of this event.</p> <p>8 Q. The orchestration of the March 9th</p> <p>9 event?</p> <p>10 A. Yes.</p> <p>11 Q. Who orchestrated the March 9th</p> <p>12 event; that was Signal, wasn't it?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. Not entirely.</p> <p>16 Q. What was Signal's role in</p> <p>17 orchestrating the March 9th event?</p> <p>18 A. You said that Signal orchestrated</p> <p>19 this. I didn't say that.</p> <p>20 Q. You just said not entirely, so I</p> <p>21 assumed from your answer you meant at least in</p> <p>22 part they orchestrated the event?</p> <p>23 A. No.</p> <p>24 Q. Signal made the decision to</p> <p>25 terminate the workers; is that correct?</p> | <p style="text-align: right;">Page 113</p> <p>1 Shelley</p> <p>2 A. Yes.</p> <p>3 Q. They also made the decision that</p> <p>4 they were not going to just quietly go to the</p> <p>5 workers one by one and escort them to the</p> <p>6 office to fill out paperwork and then have</p> <p>7 them leave the premises, correct, they didn't</p> <p>8 do that?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. I am not sure that the workers</p> <p>12 would willingly go to the office.</p> <p>13 Q. That wasn't my question. They</p> <p>14 didn't attempt that, did they?</p> <p>15 A. They did not do that.</p> <p>16 Q. They made the decision the day</p> <p>17 before the termination was going to be</p> <p>18 executed to bring in security guards from the</p> <p>19 Swetman firm, they made that decision first;</p> <p>20 correct?</p> <p>21 A. Yes. And they were advised on</p> <p>22 that. They were advised on how to proceed.</p> <p>23 Q. The Swetman guards took their</p> <p>24 instructions from Signal management including</p> <p>25 Mr. Snyder; is that correct?</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I am not sure who gave the</p> <p>5 instructions, but Signal did hire the Swetman</p> <p>6 guards.</p> <p>7 Q. They were told to show up the next</p> <p>8 morning at 5 a.m.; is that correct?</p> <p>9 A. I do not know what time they were</p> <p>10 told to show up. I know they appeared.</p> <p>11 Q. And at 5 a.m. to 6 a.m. was when</p> <p>12 the camp was going to be full because you had</p> <p>13 the night shift coming back from work and the</p> <p>14 day shift not quite yet going to work;</p> <p>15 correct?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. There was certainly a changing of</p> <p>19 the guard at that time, or the changing of the</p> <p>20 staffing I should say.</p> <p>21 Q. Did you read the witness statement</p> <p>22 or see the deposition of Pat Stoepher in this</p> <p>23 case?</p> <p>24 A. I read probably -- I probably did.</p> <p>25 Q. Do you recall in her statement</p> | <p style="text-align: right;">Page 115</p> <p>1 Shelley</p> <p>2 where she said that the decision was made to</p> <p>3 use the guards at this time in front of the</p> <p>4 whole camp to round up the workers to be</p> <p>5 terminated in order to make an example of them</p> <p>6 to the other workers?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. I have read or understood that</p> <p>10 this was, you know, Pat's interpretation.</p> <p>11 Q. Do you just assume she is not</p> <p>12 telling the truth or not accurate, or do you</p> <p>13 assume she is accurate about that?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. Considering that Signal consulted</p> <p>17 with the immigration service before the</p> <p>18 workers were terminated, I think there are</p> <p>19 other issues involved that everybody who</p> <p>20 worked for Signal might not be party to.</p> <p>21 Q. But Ms. Stoepher said that she</p> <p>22 participated in a meeting in which it was</p> <p>23 clear that this was going to be done the way</p> <p>24 it was done in order to make an example in</p> <p>25 front of the other workers. Do you have a</p> |
| <p style="text-align: right;">Page 116</p> <p>1 Shelley</p> <p>2 basis to rebut what she says?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. I am not rebutting what she says.</p> <p>6 This is not my job to rebut what she says.</p> <p>7 Q. Do you take it into account at all</p> <p>8 if your opinion is based in part on the</p> <p>9 allegations of the perception of the workers?</p> <p>10 A. I take everything into account</p> <p>11 that I read.</p> <p>12 Q. So if in fact the jury believes</p> <p>13 the evidence in this case that Signal made the</p> <p>14 decision to terminate the workers in the way</p> <p>15 they did in order to make an example to the</p> <p>16 rest of the Indian workers in the Mississippi</p> <p>17 camp that were watching this unfold, would</p> <p>18 that be relevant to the opinion as to what the</p> <p>19 perception of those workers to that event</p> <p>20 would be?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. It is one interpretation of it.</p> <p>24 Q. Do you have a different</p> <p>25 interpretation of what happened that day?</p> | <p style="text-align: right;">Page 117</p> <p>1 Shelley</p> <p>2 A. Yes, and I am still trying to</p> <p>3 understand it all.</p> <p>4 Q. So you don't have a clear picture</p> <p>5 in your mind as to what happened that day?</p> <p>6 A. I have a picture of part of it,</p> <p>7 but not all of it.</p> <p>8 Q. And would it be fair to say that a</p> <p>9 full robust picture of what happened on that</p> <p>10 day, March 9, 2007, is important in this case?</p> <p>11 A. Yes, it is important.</p> <p>12 Q. Because it is a true reflection of</p> <p>13 Signal's actions; correct?</p> <p>14 A. No.</p> <p>15 MR. ROUX: Objection as to the</p> <p>16 form.</p> <p>17 A. No, that is not what I said.</p> <p>18 Q. What Signal chose to do in it's</p> <p>19 termination of these workers and how it went</p> <p>20 about terminating these workers, would that be</p> <p>21 a reflection of Signal's actions; its just a</p> <p>22 statement of fact, isn't it?</p> <p>23 MR. ROUX: Objection to the form.</p> <p>24 A. It is an action that Signal took.</p> <p>25 To say that it is a reflection of Signal is a</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 Shelley</p> <p>2 value judgment that I am not making. I am</p> <p>3 just saying that it is an action that Signal</p> <p>4 took.</p> <p>5 Q. So you are saying that they took</p> <p>6 it, but that really isn't who Signal is; I</p> <p>7 don't understand that. If Signal took the</p> <p>8 action why isn't it a reflection of Signal?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. Because there are other factors</p> <p>12 that preceded this action such as discussing</p> <p>13 things with the immigration service that gave</p> <p>14 Signal advice, and there are other forces at</p> <p>15 work surrounding this event that need to be</p> <p>16 understood.</p> <p>17 Q. Let's try to unpack some of that</p> <p>18 and understand some of the forces at work</p> <p>19 surrounding the event --</p> <p>20 MR. ROUX: Before we go any</p> <p>21 further, when are we going to break for</p> <p>22 lunch?</p> <p>23 MR. HOWARD: I was going to say</p> <p>24 12:30, we started at 9:30.</p> <p>25 Would you mark this document as</p> | <p style="text-align: right;">Page 119</p> <p>1 Shelley</p> <p>2 Shelley Exhibit 6, E-mail dated March 5,</p> <p>3 2007, numbered SIGE 0011482 and 483, and</p> <p>4 SIGE 0055312 and 313.</p> <p>5 (Shelley Exhibit 6, E-mail dated</p> <p>6 March 5, 2007, Bates numbered SIGE</p> <p>7 0011482 and 483, and SIGE 0055312 and</p> <p>8 313, marked for identification, as of</p> <p>9 this date.)</p> <p>10 Q. Professor Shelley, I have given</p> <p>11 you what is marked as Exhibit 6. Please take</p> <p>12 your time and take a look at it and let me</p> <p>13 know if you have seen these E-mails before?</p> <p>14 A. Okay.</p> <p>15 Q. Professor Shelley, have you seen</p> <p>16 these E-mails before as part of your review</p> <p>17 for your report?</p> <p>18 A. No, but I have had many of these</p> <p>19 facts discussed with me.</p> <p>20 Q. Just so you understand the workers</p> <p>21 whose badge numbers are identified in the</p> <p>22 first paragraph of the March 5, 2007 E-mail</p> <p>23 from Mr. Snyder are in fact</p> <p>24 Mr. Kadakkarappally and Mr. Vijayan?</p> <p>25 A. Yes, I am aware of that.</p> |
| <p style="text-align: right;">Page 120</p> <p>1 Shelley</p> <p>2 Q. So you are aware of the fact Mr.</p> <p>3 Snyder was aware that the workers were going</p> <p>4 bunkhouse to bunkhouse to recruit other</p> <p>5 workers to meet with a lawyer; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Do you see anything wrong with</p> <p>8 that from the workers' perspective, should</p> <p>9 they have the right to among themselves talk</p> <p>10 about meeting with a lawyer to exercise their</p> <p>11 legal rights?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. I am not taking an objection to</p> <p>15 that.</p> <p>16 Q. Now are you aware that Mr. Schnoor</p> <p>17 did take an objection to that by saying that</p> <p>18 this does not need to go unchecked. We have a</p> <p>19 unionizing effort underway.</p> <p>20 Do you see the E-mail from him on</p> <p>21 March 6th to Darrell Snyder in response to</p> <p>22 learning about the workers meeting with</p> <p>23 lawyers?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know whether the unionizing</p> | <p style="text-align: right;">Page 121</p> <p>1 Shelley</p> <p>2 effort as Mr. Schnoor describes it had</p> <p>3 anything to do with the decision to terminate</p> <p>4 those two workers?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I asked questions on that.</p> <p>8 Q. What were you told?</p> <p>9 A. What I wrote here, that in their</p> <p>10 organizing the workers were getting very</p> <p>11 agitated, and they had extreme concerns about</p> <p>12 ensuring safety of the work force.</p> <p>13 Q. Because if the workers were so</p> <p>14 agitated they would not do their job safely,</p> <p>15 is that your understanding?</p> <p>16 A. Yes.</p> <p>17 Q. This is your understanding. That</p> <p>18 is what the Signal management told you in your</p> <p>19 interviews is why they terminated these</p> <p>20 workers?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. I asked them pointedly about these</p> <p>24 questions that you are raising.</p> <p>25 Q. And that is their answer?</p> |

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| <p style="text-align: right;">Page 122</p> <p>1 Shelley</p> <p>2 A. That was part of their answer,</p> <p>3 yes.</p> <p>4 Q. What else was part of their</p> <p>5 answer?</p> <p>6 A. That they were not terminating</p> <p>7 them for union organizing or activism.</p> <p>8 Q. How about for meeting with</p> <p>9 lawyers?</p> <p>10 MR. ROUX: Objection as to the</p> <p>11 form.</p> <p>12 A. They told me that was not why they</p> <p>13 dismissed them.</p> <p>14 Q. And you believed them?</p> <p>15 A. I have -- I found them credible</p> <p>16 when they talked to me about this.</p> <p>17 Q. Did you ask to see any other</p> <p>18 records, for example what Signal stated as</p> <p>19 their reasons for terminating these employees</p> <p>20 in their submission to the EEOC when charges</p> <p>21 were brought to the EEOC?</p> <p>22 A. I have looked at some of the EEOC</p> <p>23 documents, yes.</p> <p>24 Q. Specifically the documents where</p> <p>25 Signal told the EEOC in responses to charges</p> | <p style="text-align: right;">Page 123</p> <p>1 Shelley</p> <p>2 of retaliation what Signal's reasons were for</p> <p>3 terminating these workers, have you looked at</p> <p>4 that?</p> <p>5 A. I have not looked at that.</p> <p>6 Q. Would that be something that as</p> <p>7 part of your fuller more comprehensive review</p> <p>8 you think you should look at in order to test</p> <p>9 whether Signal's management explanation to you</p> <p>10 in 2014 is accurate or not?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. I am ready to read and be as fully</p> <p>14 prepared as a witness as I can be.</p> <p>15 Q. And would you agree with me that</p> <p>16 what Signal tells the government in response</p> <p>17 to a formal investigation is relevant to its</p> <p>18 true reasons for terminating workers?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I have read and am planning to</p> <p>22 read some more on the EEOC. I am not a</p> <p>23 specialist on the EEOC, I am a specialist on</p> <p>24 human trafficking issues.</p> <p>25 Q. Well are you a specialist on the</p> |
| <p style="text-align: right;">Page 124</p> <p>1 Shelley</p> <p>2 DOJ?</p> <p>3 MR. ROUX: Objection.</p> <p>4 A. I don't think anyone is a</p> <p>5 specialist on the DOJ.</p> <p>6 Q. Well I note that several times in</p> <p>7 your report you rely on the DOJ's March 14,</p> <p>8 2008 letter to Signal; correct?</p> <p>9 A. Yes. That is not saying I am a</p> <p>10 specialist on the DOJ.</p> <p>11 Q. Well what examination did you do</p> <p>12 about the investigation conducted by the DOJ</p> <p>13 that gave rise to that letter?</p> <p>14 A. I asked for some documents. I</p> <p>15 asked questions about the DOJ investigation.</p> <p>16 Q. And you rely on the fact that, and</p> <p>17 we will get to this a little bit later, that</p> <p>18 the DOJ made a conclusion from it's</p> <p>19 investigation in 2008 not to charge Signal</p> <p>20 with discrimination; is that correct?</p> <p>21 A. Correct.</p> <p>22 Q. You know that the EEOC in 2012</p> <p>23 with the benefit of all the evidence that came</p> <p>24 about in this case between 2008 and 2012 has</p> <p>25 charged Signal with discrimination; right?</p> | <p style="text-align: right;">Page 125</p> <p>1 Shelley</p> <p>2 A. Absolutely.</p> <p>3 Q. You don't mention that in your</p> <p>4 report at all. Did you place any weight on</p> <p>5 that at all?</p> <p>6 A. There has not been a finding in</p> <p>7 this, and I am not as I said a specialist on</p> <p>8 the EEOC. So I have read some of the</p> <p>9 documents, but that is not a trafficking case.</p> <p>10 Q. So neither was the charge that the</p> <p>11 DOJ was referring to, that was discrimination;</p> <p>12 right?</p> <p>13 A. I have read that, but I am not</p> <p>14 commenting on -- I am not an expert on</p> <p>15 discrimination, I am an expert on trafficking.</p> <p>16 I stick to what I know.</p> <p>17 Q. We are jumping ahead, but as long</p> <p>18 as we are talking about it I just want to</p> <p>19 clear this up.</p> <p>20 At paragraph 16 of your report you</p> <p>21 state: The element of coercion under the TVPA</p> <p>22 definition is also not present as evidenced by</p> <p>23 the finding of the Department of Justice.</p> <p>24 That is the March 2008 finding,</p> <p>25 the letter that you are referring to; correct?</p> |

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| <p style="text-align: right;">Page 126</p> <p>1 Shelley</p> <p>2 A. Yes.</p> <p>3 Q. And that is the letter that</p> <p>4 investigated whether there was a charge under</p> <p>5 section 1324b 1, 8 U.S.C.; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And that is a discrimination</p> <p>8 statute; right?</p> <p>9 A. Yes.</p> <p>10 Q. What element of coercion was</p> <p>11 relevant to the finding there at all?</p> <p>12 A. I can go back and read the</p> <p>13 document.</p> <p>14 Q. Well we will do that later. But</p> <p>15 as you sit here, and I know you say you are</p> <p>16 not an expert on DOJ, you understand that to</p> <p>17 be a discrimination statute; right?</p> <p>18 A. Yes.</p> <p>19 Q. Not a trafficking statute?</p> <p>20 A. Correct. But there is an element,</p> <p>21 a question of coercion in this case and that</p> <p>22 is why I was commenting on that here.</p> <p>23 Q. But as you sit here you don't know</p> <p>24 of a connection between coercion and what the</p> <p>25 DOJ was looking at when it issued it's letter</p> | <p style="text-align: right;">Page 127</p> <p>1 Shelley</p> <p>2 in March of 2008; correct?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. I stated here that Signal has been</p> <p>6 cleared of alleged violations of unfair</p> <p>7 immigration related employment practices. And</p> <p>8 here under prohibition or intimidation or</p> <p>9 retaliation under Department of Justice</p> <p>10 provision 5 of 8 U.S. Code 1324b, it is also</p> <p>11 an unfair immigration related employment</p> <p>12 practice for a person or other entity to</p> <p>13 intimidate, threaten, coerce or retaliate</p> <p>14 against any individual for the purpose of</p> <p>15 interfering with any right or privilege</p> <p>16 secured under this section, or because the</p> <p>17 individual intends to file or has filed a</p> <p>18 charge or a complaint, testified, assisted or</p> <p>19 participated in any manner in an</p> <p>20 investigation, proceeding or hearing under</p> <p>21 this section.</p> <p>22 So as you can see, and you know</p> <p>23 better than I do, the word coercion is here,</p> <p>24 or coerce. This is why I emphasized in this</p> <p>25 statement that if you have not been found</p> |
| <p style="text-align: right;">Page 128</p> <p>1 Shelley</p> <p>2 guilty under this or found responsible, then</p> <p>3 you are not being cited there for coercion.</p> <p>4 Q. But you tied it to coercion of the</p> <p>5 TVPA, but I will put that aside. My question</p> <p>6 to you was you rely several times in your</p> <p>7 report in support of your opinions as to what</p> <p>8 the DOJ Civil Rights Division finding was with</p> <p>9 respect to a discrimination charge in 2008;</p> <p>10 correct?</p> <p>11 A. I have relied on that, yes.</p> <p>12 Q. And you think that that supports</p> <p>13 your opinions in this case that Signal was not</p> <p>14 involved in trafficking or discrimination;</p> <p>15 right?</p> <p>16 A. Correct.</p> <p>17 Q. You agree with me that in 2008 the</p> <p>18 DOJ didn't have available to them all of the</p> <p>19 documents and deposition transcripts and</p> <p>20 evidence that we have gotten in this case</p> <p>21 since 2008; correct?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. I don't know what DOJ had at that</p> <p>25 time, I am not party to it, but if you ask me</p> | <p style="text-align: right;">Page 129</p> <p>1 Shelley</p> <p>2 I do know about DOJ and the Civil Rights</p> <p>3 Division and human trafficking. But I don't</p> <p>4 know about what information they had.</p> <p>5 Q. Do you know enough about the EEOC</p> <p>6 to know that for them to file a lawsuit the</p> <p>7 commission itself has to make a finding that</p> <p>8 there is grounds for making that charge for</p> <p>9 liability?</p> <p>10 MR. ROUX: Objection as to the</p> <p>11 form.</p> <p>12 A. I am not -- as I said to you I am</p> <p>13 a specialist on trafficking and not on the</p> <p>14 EEOC.</p> <p>15 Q. I am just trying to understand why</p> <p>16 if one government agency issues a letter in</p> <p>17 2008 saying that they are not going to charge</p> <p>18 discrimination, and another government agency</p> <p>19 four years later with all this other evidence</p> <p>20 says we are going to charge for</p> <p>21 discrimination, you find the 2008 finding</p> <p>22 relevant and appropriate and rely upon it, and</p> <p>23 you don't even mention in your report the 2012</p> <p>24 EEOC charge?</p> <p>25 MR. ROUX: Objection as to the</p> |

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| <p style="text-align: right;">Page 130</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 Q. That is what I am trying to</p> <p>4 understand.</p> <p>5 A. Well then because I am much more</p> <p>6 familiar with the work of the Department of</p> <p>7 Justice.</p> <p>8 Q. So it is just lack of familiarity</p> <p>9 with the EEOC that you can't opine on any</p> <p>10 significance to the fact that they have seen</p> <p>11 fit based on the evidence they have reviewed</p> <p>12 to sue Signal?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. I am not commenting on their suit,</p> <p>16 I am not party to it, and that is not my</p> <p>17 specialization.</p> <p>18 Q. Let's go back to what was</p> <p>19 available in March of 2007 that led to the</p> <p>20 termination of Mr. Kadakkarappally and Mr.</p> <p>21 Vijayan.</p> <p>22 Would you mark this as Shelley</p> <p>23 Exhibit 7, letter dated February 26, 2007,</p> <p>24 numbered HRT_SIB 000506100.</p> <p>25 (Shelley Exhibit 7, letter dated</p> | <p style="text-align: right;">Page 131</p> <p>1 Shelley</p> <p>2 February 26, 2007, numbered HRT_SIB</p> <p>3 000506100, marked for identification, as</p> <p>4 of this date.)</p> <p>5 Q. Showing you now Professor Shelley</p> <p>6 what has been marked as Exhibit 7, it is a</p> <p>7 one-page letter from the Southern Poverty Law</p> <p>8 Center Immigration Justice Project, to Signal</p> <p>9 International, dated February 26, 2007. My</p> <p>10 first question will be whether you have ever</p> <p>11 seen this before?</p> <p>12 A. No, I have not seen this.</p> <p>13 Q. Take a moment and review it?</p> <p>14 A. Okay.</p> <p>15 Q. Having looked at this letter do</p> <p>16 you recognize now that Signal did receive a</p> <p>17 letter from lawyers on behalf of some of the</p> <p>18 Indian H-2B workers on February 26, 2007?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I see that a letter was sent, yes.</p> <p>22 Q. So now at the time the workers</p> <p>23 were terminated which would have been the week</p> <p>24 after Exhibit 7 was sent from SPLC, the</p> <p>25 lawyers, to Signal International, Signal has</p> |
| <p style="text-align: right;">Page 132</p> <p>1 Shelley</p> <p>2 received a letter from lawyers and learned</p> <p>3 from it's sources within the camp that Jacob</p> <p>4 Joseph and Sabulal were organizing efforts</p> <p>5 among the workers to meet with lawyers;</p> <p>6 correct?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. Can you clarify this?</p> <p>10 Q. Sure. We are just trying to set</p> <p>11 the stage here because as I understand it you</p> <p>12 want to get a fuller picture of what happened</p> <p>13 surrounding the events of March 9, 2007. So</p> <p>14 to set the stage I have shown you one document</p> <p>15 which you said you have not seen, but were</p> <p>16 aware of the facts, that is Exhibit 6, which</p> <p>17 was Signal being aware that Sabulal and Jacob</p> <p>18 Joseph were getting other workers in the camp</p> <p>19 to meet with lawyers; correct?</p> <p>20 A. Was I aware --</p> <p>21 Q. That was one of the facts that</p> <p>22 was -- that was part of the picture that week;</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. So now I am trying to establish</p> | <p style="text-align: right;">Page 133</p> <p>1 Shelley</p> <p>2 with Exhibit 7 that another part of the</p> <p>3 picture was the receipt by Signal of a letter</p> <p>4 from lawyers from the SPLC on behalf of the</p> <p>5 Indian workers, correct, that is what it</p> <p>6 appears to be?</p> <p>7 A. That is what it appears to be.</p> <p>8 That is the letter that you have given me.</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 Q. Now I will show you the internal</p> <p>12 response to that letter. Shelley Exhibit 8,</p> <p>13 E-mail dated March 6, 2007, numbered HRT_SIB</p> <p>14 000527725.</p> <p>15 (Shelley Exhibit 8, E-mail dated</p> <p>16 March 6, 2007, numbered HRT_SIB</p> <p>17 000527725, marked for identification, as</p> <p>18 of this date.)</p> <p>19 Q. Showing you now what has been</p> <p>20 marked as Exhibit 8 to your deposition. An</p> <p>21 E-mail string from March of 2007 with the</p> <p>22 subject matter letter from Southern Poverty</p> <p>23 Law Center, and I ask you if you would review</p> <p>24 these E-mails and tell me first whether you</p> <p>25 have ever seen them before?</p> |

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| <p style="text-align: right;">Page 134</p> <p>1 Shelley</p> <p>2 A. I have not seen these letters, but</p> <p>3 I have discussed some parts of this.</p> <p>4 Q. What parts of this have you</p> <p>5 discussed and with whom?</p> <p>6 A. I have had discussions with Tracey</p> <p>7 and Ron. I have discussed the question of</p> <p>8 what the workers were doing, of the question</p> <p>9 of labor organizing. You know, whether they</p> <p>10 thought that was going on in the camps, in the</p> <p>11 residential areas where they were living.</p> <p>12 Q. In your discussions with Tracey</p> <p>13 Binion and Ronald Schnoor did they tell you</p> <p>14 that after receiving the Southern Poverty Law</p> <p>15 Center letter that is Exhibit 7, which was</p> <p>16 asking to have a discussion and a good faith</p> <p>17 dialogue about the issues with Indian workers</p> <p>18 with Signal, that there was internal</p> <p>19 discussion as to how to respond to that</p> <p>20 letter; did that come up at all in your</p> <p>21 discussions?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. We did not discuss the response to</p> <p>25 this letter.</p> | <p style="text-align: right;">Page 135</p> <p>1 Shelley</p> <p>2 Q. Did they even tell you about the</p> <p>3 letter from the SPLC?</p> <p>4 A. They did not tell me about the</p> <p>5 letter. They told me that there were concerns</p> <p>6 expressed about labor conditions. Labor</p> <p>7 conditions let's say.</p> <p>8 Q. They told you what you said in</p> <p>9 your report that these guys were terminated</p> <p>10 because they were agitating the other workers</p> <p>11 and it would be of concern from a safety</p> <p>12 perspective; is that correct?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. I talked to them because I was</p> <p>16 concerned as -- how do I say it -- as a</p> <p>17 specialist on human trafficking my job is not</p> <p>18 to be considering issues of union organizing.</p> <p>19 This is not human trafficking, this is another</p> <p>20 agenda, another issue. I am concerned when I</p> <p>21 talk about trafficking about what is going on</p> <p>22 in the work environment, the payment, whether</p> <p>23 there is elements of force. If there is</p> <p>24 elements of taking passports away. I am</p> <p>25 not -- I have never seen that union organizing</p> |
| <p style="text-align: right;">Page 136</p> <p>1 Shelley</p> <p>2 is part of any discussion of human</p> <p>3 trafficking.</p> <p>4 Q. Coercion is a discussion involved</p> <p>5 with human trafficking; is that correct?</p> <p>6 A. Yes, if there is extreme force,</p> <p>7 yes.</p> <p>8 Q. Abuse of power is an element; is</p> <p>9 that correct?</p> <p>10 A. Not under --</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. Let's read the TVPA.</p> <p>14 Q. We will get to that definition in</p> <p>15 a moment, or after lunch. But I think you</p> <p>16 even refer to the UN abuse of power or</p> <p>17 exploitation of vulnerability, those are</p> <p>18 hallmarks of potential trafficking; correct?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I am looking at statutes on human</p> <p>22 trafficking and there is no defined, legally</p> <p>23 defined hallmarks of human trafficking. There</p> <p>24 are statutes and people who have established</p> <p>25 provisions on human trafficking.</p> | <p style="text-align: right;">Page 137</p> <p>1 Shelley</p> <p>2 Q. There is also the UN protocol</p> <p>3 which you quote which says abusive power of a</p> <p>4 position of vulnerability. Do you agree with</p> <p>5 that?</p> <p>6 A. It is one definition, it is not</p> <p>7 the American definition of that.</p> <p>8 Q. Abuse of legal process is part</p> <p>9 of -- is a definition of forced labor under</p> <p>10 the TVPA, is it not?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. I am not talking about -- let me</p> <p>14 just think for a minute. In forced labor</p> <p>15 there are precedents on what abuse of power</p> <p>16 consist of, and Judge Zainey in his decision</p> <p>17 on denying class did not see these</p> <p>18 preconditions of force against the workers and</p> <p>19 that they had mobility, they had the ability</p> <p>20 to come and go and were not subject to</p> <p>21 coercion.</p> <p>22 Q. The question is under the TVPA the</p> <p>23 elements for forced labor, does it include</p> <p>24 coercing work based on abuse of legal process?</p> <p>25 MR. ROUX: Objection as to the</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. And what would you define as abuse</p> <p>4 of legal process.</p> <p>5 Q. I was going to ask you, you are</p> <p>6 the expert?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 Q. Is it an element, yes or no, do</p> <p>10 you know?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. In how you prove abuse of legal</p> <p>14 process --</p> <p>15 Q. I will let you go through it at</p> <p>16 lunch. Can you tell me without going through</p> <p>17 it; do you have a definition of abuse of legal</p> <p>18 process that you use?</p> <p>19 A. No.</p> <p>20 Q. If you were to threaten a group of</p> <p>21 employees if any one of you sues this company</p> <p>22 all of you will be terminated, is that an</p> <p>23 abuse of legal process?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> | <p style="text-align: right;">Page 139</p> <p>1 Shelley</p> <p>2 Q. Not only terminated, but deported</p> <p>3 back to India?</p> <p>4 A. I would want to see any legal</p> <p>5 precedent on this. I am not aware of a case</p> <p>6 of that.</p> <p>7 Q. Putting aside a case a legal</p> <p>8 precedent, just as an expert on trafficking,</p> <p>9 would it concern you if you saw evidence that</p> <p>10 a company was telling it's employees who were</p> <p>11 in the country on temporary visas, guys, if a</p> <p>12 single one of you brings a lawsuit against</p> <p>13 this company all of you will be terminated and</p> <p>14 sent back to your home country; would that</p> <p>15 bother you?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. I am not -- it might bother me.</p> <p>19 Q. Now let's look at Exhibit 8,</p> <p>20 Ronald Schnoor tells Tracey Binion in response</p> <p>21 to the letter from the Southern Poverty Law</p> <p>22 Center: Tracey, remember, the best defense is</p> <p>23 a strong offense. When we do not respond to</p> <p>24 threats like this it only fuels the fire.</p> <p>25 Ignoring threats and not responding only helps</p> |
| <p style="text-align: right;">Page 140</p> <p>1 Shelley</p> <p>2 sponsor more trouble like we have now with all</p> <p>3 the Indians meeting with the lawyers this past</p> <p>4 weekend. Like the Department of Labor folks</p> <p>5 learned we are almost perfect. The next time</p> <p>6 some disgruntled employee barks he will think</p> <p>7 twice about wasting their time again. Before</p> <p>8 the week is over the Indians will know we are</p> <p>9 not afraid to fight and so should their</p> <p>10 liberal lawyers. They do not have a claim so</p> <p>11 I let them think they do.</p> <p>12 Did I read that correctly?</p> <p>13 A. Well you read this.</p> <p>14 Q. Is there any reference in there to</p> <p>15 by the way we really have to deal with this</p> <p>16 issue of agitation because it is a safety</p> <p>17 concern?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. I inquired to them --</p> <p>21 Q. That is not my question. My</p> <p>22 question is does this E-mail refer to anything</p> <p>23 having to do with agitation and a safety</p> <p>24 concern?</p> <p>25 A. This E-mail does not.</p> | <p style="text-align: right;">Page 141</p> <p>1 Shelley</p> <p>2 Q. Do you agree with me that this</p> <p>3 E-mail discusses coming up with a response by</p> <p>4 Signal to the threat it perceives from the</p> <p>5 Indian workers meeting with lawyers and having</p> <p>6 their lawyer, the SPLC, write a letter to</p> <p>7 Signal. That is what he is talking about;</p> <p>8 right?</p> <p>9 A. When I read this it is quite vague</p> <p>10 and agitated.</p> <p>11 Q. Well it is not too vague. He says</p> <p>12 before the week is over the Indians will know</p> <p>13 we are not afraid to fight and so should their</p> <p>14 liberal lawyers. That is Tuesday March 6th;</p> <p>15 right?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 Q. That is when he wrote that?</p> <p>19 A. Yes.</p> <p>20 Q. And what happened on Friday, March</p> <p>21 9th, before the week was over?</p> <p>22 A. There was this, how would I say,</p> <p>23 this event where the workers were deported.</p> <p>24 Q. And as an expert who is supposed</p> <p>25 to be objectively looking at the evidence in</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 Shelley</p> <p>2 this case, as you see this E-mail for the</p> <p>3 first time, this was not shared with you by</p> <p>4 anyone at Signal before now, was it?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. No, there were other things that</p> <p>8 were shared with me that I asked them about of</p> <p>9 their personal response, their level of</p> <p>10 agitation, their internal communications. So</p> <p>11 I am not surprised by this E-mail, it is not</p> <p>12 inconsistent with what was told to me.</p> <p>13 Q. Professor Shelley, as an expert</p> <p>14 witness who told me a half hour ago you wanted</p> <p>15 to get a fuller picture of what happened</p> <p>16 regarding the events of March 9th, now seeing</p> <p>17 this E-mail for the first time, Exhibit 8, do</p> <p>18 you have any concern that perhaps Mr. Schnoor</p> <p>19 followed through on his E-mail to teach the</p> <p>20 workers and their liberal lawyers a lesson</p> <p>21 before the week was out that the way it would</p> <p>22 respond to his perceived threat from their</p> <p>23 meeting with lawyers was by forcibly</p> <p>24 terminating and deporting the workers who were</p> <p>25 organizing those efforts?</p> | <p style="text-align: right;">Page 143</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I think that you are drawing</p> <p>5 conclusions from something that is more than I</p> <p>6 am reading here.</p> <p>7 Q. We will let the jury draw its own</p> <p>8 conclusions. Let's go to lunch.</p> <p>9 (Luncheon recess: 12:38 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 144</p> <p>1 Shelley</p> <p>2 AFTERNOON SESSION</p> <p>3 (Time noted: 1:46 p.m.)</p> <p>4 LOUISE I. SHELLEY, Ph.D.,</p> <p>5 resumed and testified as follows:</p> <p>6 EXAMINATION BY (Cont'd.)</p> <p>7 MR. HOWARD:</p> <p>8 Q. Professor Shelley, before the</p> <p>9 lunch break we were reviewing Shelley Exhibit</p> <p>10 8 and the statement made on March 6th by Ron</p> <p>11 Schnoor that before the week is over the</p> <p>12 Indians will know that we are not afraid to</p> <p>13 fight and so should their liberal lawyers. Do</p> <p>14 you remember that?</p> <p>15 A. Yes.</p> <p>16 Q. You agree with me that March 9th</p> <p>17 was an event that occurred within that week;</p> <p>18 is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Are you aware also of a meeting</p> <p>21 that Mr. Schnoor convened with the entire</p> <p>22 Mississippi camp of workers on March 12th?</p> <p>23 A. I knew that he convened a meeting,</p> <p>24 I didn't recall the date.</p> <p>25 Q. Did you ever listen to an audio</p> | <p style="text-align: right;">Page 145</p> <p>1 Shelley</p> <p>2 tape of what he said at that meeting?</p> <p>3 A. No, I did not listen.</p> <p>4 Q. Did you ever review a transcript</p> <p>5 from the audio tape of what he said at that</p> <p>6 meeting?</p> <p>7 A. No. I talked to him about the</p> <p>8 meeting, but I didn't review an audio tape.</p> <p>9 Q. Why not?</p> <p>10 A. I have a limited number of hours</p> <p>11 and I am prioritizing what I am working on.</p> <p>12 Q. Would you agree with me that in a</p> <p>13 case in which there are allegations of forced</p> <p>14 labor and coercion and abuse of legal process,</p> <p>15 what Mr. Schnoor told the entire camp of</p> <p>16 Mississippi workers on the heels of the</p> <p>17 termination of eight of the workers and after</p> <p>18 receiving letters from lawyers and learning</p> <p>19 about meetings from lawyers might have</p> <p>20 relevance to this case?</p> <p>21 A. Everything that went on at Signal</p> <p>22 has relevance to this case.</p> <p>23 Q. Let me show you a transcript which</p> <p>24 you say you have not seen before. Shelley</p> <p>25 Exhibit 9, rough transcription of audio tape,</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 Shelley</p> <p>2 3/12/07.</p> <p>3 (Shelley Exhibit 9, rough</p> <p>4 transcription of audio tape, 3/12/07,</p> <p>5 marked for identification, as of this</p> <p>6 date.)</p> <p>7 Q. Showing you what has been marked</p> <p>8 as Exhibit 9 which I will represent to you is</p> <p>9 a transcript of the speech Mr. Schnoor gave on</p> <p>10 March 12, 2007 to the camp of Mississippi</p> <p>11 workers. I want to direct your attention to</p> <p>12 the fourth page?</p> <p>13 A. Okay.</p> <p>14 Q. Read the paragraph please that is</p> <p>15 under the timeframe 1939 to 2232.</p> <p>16 A. Okay.</p> <p>17 Q. Have you read that?</p> <p>18 A. I would like to read the rest of</p> <p>19 it.</p> <p>20 Q. I will give you time on a break,</p> <p>21 we are before trial, I think my questions are</p> <p>22 going to go specifically to the words in this</p> <p>23 paragraph?</p> <p>24 A. All right.</p> <p>25 Q. In the middle of the paragraph</p> | <p style="text-align: right;">Page 147</p> <p>1 Shelley</p> <p>2 after the first third he says: So I want you</p> <p>3 to think very, very carefully about suing</p> <p>4 Signal and about suing us for things that I</p> <p>5 know are let's just say are not called for,</p> <p>6 what I call a frivolous suit because I know we</p> <p>7 are fully compliant. We have good lawyers</p> <p>8 too, very good lawyers, we will fight this</p> <p>9 like we do in Signal's interest, okay. That</p> <p>10 won't be good for this program, that won't be</p> <p>11 good for this program. If we have to spend a</p> <p>12 lot of energy and effort fighting frivolous</p> <p>13 lawsuits then the process will impact all of</p> <p>14 you. We won't be doing any visa extensions or</p> <p>15 anything with Signal. This program will be</p> <p>16 terminated and ended when the visas are</p> <p>17 complete and that is July 31st. That is not</p> <p>18 very far away.</p> <p>19 Now would you agree with me that</p> <p>20 by March 12, 2007 Mr. Schnoor understood that</p> <p>21 these workers had incurred debts to pay what</p> <p>22 he viewed as excessive recruiting fees?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. I am not sure that its March 12th</p> |
| <p style="text-align: right;">Page 148</p> <p>1 Shelley</p> <p>2 is the day that he understood that, no.</p> <p>3 Q. If he understood that at the time</p> <p>4 he is making these statements, and he is</p> <p>5 telling these workers who he knows have</p> <p>6 incurred these debts and need to stay at</p> <p>7 Signal to make wages to pay off those debts,</p> <p>8 that the program would be terminated if anyone</p> <p>9 of you files a lawsuit, would you agree that</p> <p>10 that could be perceived by the workers hearing</p> <p>11 these words as a threat?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. I am not sure that I do.</p> <p>15 Q. Do you see anything in this</p> <p>16 language of concern to you that this could be</p> <p>17 perceived as a threat to the workers?</p> <p>18 A. I see this language as someone who</p> <p>19 is hot headed and angry. But I see language</p> <p>20 in the rest of the paragraph that is quite</p> <p>21 different from this.</p> <p>22 Q. Would you agree with me though</p> <p>23 that a worker listening to this from the head</p> <p>24 of the Mississippi facility at Signal could</p> <p>25 perceive this as a threat that if I go and</p> | <p style="text-align: right;">Page 149</p> <p>1 Shelley</p> <p>2 meet with a lawyer and bring a lawsuit,</p> <p>3 exercise my legal rights against Signal, my</p> <p>4 visa is going to be terminated and I will be</p> <p>5 sent home to India in financial ruin; is that</p> <p>6 possible?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. It doesn't say that his visa will</p> <p>10 be terminated. It says the program will be</p> <p>11 terminated once they serve their period.</p> <p>12 Q. Three more months; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Would it be perceived as a threat</p> <p>15 to the workers or of concern to the workers</p> <p>16 that if I go and file a lawsuit the program is</p> <p>17 going to end and I and all of my colleagues</p> <p>18 here are going to have to go back to India?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I think that any employer is not</p> <p>22 guaranteed unless they have a contract with</p> <p>23 their worker to keep them on past their dated</p> <p>24 period of employment.</p> <p>25 Q. Is it okay in that circumstance</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 Shelley</p> <p>2 for an employer to tell workers if you</p> <p>3 exercise your legal rights to bring a lawsuit</p> <p>4 against us you will be terminated, all of you</p> <p>5 will be terminated and returned to India?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 Q. Is that appropriate in your view?</p> <p>9 A. I don't think it is a smart thing</p> <p>10 to do as a manager, as a person running a</p> <p>11 business. But he is also telling the workers</p> <p>12 that he wants to make this work. And so I</p> <p>13 think that you are taking several lines out of</p> <p>14 context that are distorting Mr. Schnoor's</p> <p>15 overall intentions, because I think he is a</p> <p>16 man who has a temper, but who also tries to</p> <p>17 make things work for the different actors</p> <p>18 involved, including the workers.</p> <p>19 Q. And you have talked to Mr. Schnoor</p> <p>20 about what his intentions were in making this</p> <p>21 speech; is that correct?</p> <p>22 A. I talked to Mr. Schnoor about what</p> <p>23 he went through, not his intentions just, but</p> <p>24 what he went through as a person while this is</p> <p>25 going on in his watch at Signal.</p> | <p style="text-align: right;">Page 151</p> <p>1 Shelley</p> <p>2 Q. Did you ask Mr. Schnoor was it his</p> <p>3 intent to actually end the program and not</p> <p>4 extend a single visa for any worker if any</p> <p>5 worker filed a lawsuit against Signal?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 A. That is not what I asked him, but</p> <p>9 I asked him about the program and how he</p> <p>10 perceived it and responded to it.</p> <p>11 Q. So you didn't ask him the question</p> <p>12 that I just asked you?</p> <p>13 A. No because I don't think that is</p> <p>14 the right question as a witness to elicit the</p> <p>15 information that I want in response to it. It</p> <p>16 is a loaded question and it will not get you</p> <p>17 the kind of answer that you need to make a</p> <p>18 reasoned judgment.</p> <p>19 Q. Did you read any of the</p> <p>20 transcripts of the plaintiffs' testimony</p> <p>21 concerning their reaction to Mr. Schnoor's</p> <p>22 speech?</p> <p>23 A. Yes I have.</p> <p>24 Q. Your report said that you read one</p> <p>25 plaintiff deposition; is that correct?</p> |
| <p style="text-align: right;">Page 152</p> <p>1 Shelley</p> <p>2 A. Yes, and I also have talked to</p> <p>3 some of the workers who are still at Signal.</p> <p>4 Q. You talked to the ones that are</p> <p>5 still at Signal in 2014; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did you talk to any of the workers</p> <p>8 that are plaintiffs in this case?</p> <p>9 A. No.</p> <p>10 Q. Whose deposition did you read?</p> <p>11 A. Well --</p> <p>12 Q. I think --</p> <p>13 A. I don't remember, I have to check.</p> <p>14 Q. How did you make the decision to</p> <p>15 choose which one plaintiff's deposition to</p> <p>16 read?</p> <p>17 A. I think that I scanned some of</p> <p>18 them and decided to look at one that seemed to</p> <p>19 cover some of the issues that I wanted to look</p> <p>20 at.</p> <p>21 Q. Do you recall any testimony in</p> <p>22 that one deposition that you read about the</p> <p>23 reaction to Mr. Schnoor's speech?</p> <p>24 A. I have read a lot on the workers</p> <p>25 reaction to Mr. Schnoor and to the conditions</p> | <p style="text-align: right;">Page 153</p> <p>1 Shelley</p> <p>2 in early March, yes.</p> <p>3 Q. And to his speech in particular</p> <p>4 and the words that we just read?</p> <p>5 A. Not to those words in particular,</p> <p>6 no.</p> <p>7 Q. Now at paragraph 17 on page 13 of</p> <p>8 your report, do you have that in front of you?</p> <p>9 A. Yes.</p> <p>10 Q. The last line in paragraph 17 is:</p> <p>11 Nor did Signal abuse or threaten to abuse the</p> <p>12 legal process.</p> <p>13 Those are your words; right?</p> <p>14 A. Yes.</p> <p>15 Q. I think before lunch we were</p> <p>16 trying to come up with whether you had a</p> <p>17 definition for that, and you used the word, so</p> <p>18 I want to know what definition you have in</p> <p>19 mind when you made that statement in your</p> <p>20 report?</p> <p>21 A. When I think about abusing the</p> <p>22 legal process I think about legal intimidation</p> <p>23 in accusing people of false charges, that is</p> <p>24 what I often think of of abuse of the legal</p> <p>25 process, particularly with respect to use of</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 Shelley</p> <p>2 the criminal law.</p> <p>3 Q. Do you know what the definition</p> <p>4 that is incorporated within the TVPA speaks</p> <p>5 about abuse of legal process; are you familiar</p> <p>6 with that?</p> <p>7 A. I have read it.</p> <p>8 Q. Can you recall it offhand?</p> <p>9 A. No.</p> <p>10 Q. Do you know whether it includes</p> <p>11 for example abuse of administrative processes,</p> <p>12 the threatened use of a law or legal process</p> <p>13 whether administrative, civil or criminal in</p> <p>14 order to exert pressure on another person to</p> <p>15 cause that person to take some action or</p> <p>16 refrain from taking some action. Is that a</p> <p>17 definition familiar to you?</p> <p>18 A. Yes.</p> <p>19 Q. If workers listening to</p> <p>20 Mr. Schnoor give his speech on March 12th</p> <p>21 interpreted his words that I read to you as</p> <p>22 saying if you file a lawsuit against Signal we</p> <p>23 are going to use the H-2B process to terminate</p> <p>24 your legal stay in the United States and you</p> <p>25 are going to have to go back to India, would</p> | <p style="text-align: right;">Page 155</p> <p>1 Shelley</p> <p>2 that in your mind potentially constitute abuse</p> <p>3 of legal process as it is defined for the</p> <p>4 TVPA?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. He has not threatened to remove</p> <p>8 workers prior to the expiration of their visa.</p> <p>9 Q. Signal was telling the workers</p> <p>10 that they were going to extend the visa at</p> <p>11 this time; correct?</p> <p>12 A. It had been up until these events,</p> <p>13 yes.</p> <p>14 Q. And now he is telling them if you</p> <p>15 do something, that is file a lawsuit, we are</p> <p>16 not going to extend your visas. That is what</p> <p>17 he is telling them here; correct?</p> <p>18 A. This is what he said here, but he</p> <p>19 is also saying other things to that.</p> <p>20 Q. Yes, he doesn't want it to happen,</p> <p>21 he wants the program to work?</p> <p>22 A. And he wants to make -- he</p> <p>23 understands their financial situation, he</p> <p>24 understands the bind that they are in. It is</p> <p>25 a part of a whole complex situation. If he</p> |
| <p style="text-align: right;">Page 156</p> <p>1 Shelley</p> <p>2 were terminating them or trying to terminate</p> <p>3 them before their visa was up and their</p> <p>4 contract with Signal, that is a very different</p> <p>5 process than letting them stay through the</p> <p>6 whole contractual period.</p> <p>7 Q. So if Mr. Schnoor actually took</p> <p>8 steps to terminate workers before their visa</p> <p>9 expired because of steps they took to assert</p> <p>10 their legal rights, that would be a problem</p> <p>11 for you; is that correct?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. I did not say exertion of their</p> <p>15 legal rights.</p> <p>16 Q. Well if he terminated them because</p> <p>17 they did something to in Signal's view</p> <p>18 threaten them legally, like have a lawyer</p> <p>19 write a letter and terminated them because of</p> <p>20 that, that would be in your words an entirely</p> <p>21 different matter; right?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. Can you please rephrase your</p> <p>25 question.</p> | <p style="text-align: right;">Page 157</p> <p>1 Shelley</p> <p>2 Q. Sure. Let's go back to the</p> <p>3 workers that were listening to the speech on</p> <p>4 March 12th. They were aware that their</p> <p>5 friends, Mr. Kadakkarappally and Mr. Vijayan,</p> <p>6 had been terminated three days earlier; is</p> <p>7 that correct?</p> <p>8 A. Many of them were, yes.</p> <p>9 Q. And many of them were actually</p> <p>10 physically present in the camp when their</p> <p>11 friends were rounded up by security guards,</p> <p>12 put in a trailer to be forcibly deported to</p> <p>13 India; is that correct?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. Some of them saw this movement of</p> <p>17 these workers and their leaving the camp.</p> <p>18 Q. And these other workers were aware</p> <p>19 that Mr. Kadakkarappally and Mr. Vijayan had</p> <p>20 been organizing efforts to meet with lawyers;</p> <p>21 right?</p> <p>22 A. Some of them were aware, not all</p> <p>23 of them were aware.</p> <p>24 Q. And now they are being told by the</p> <p>25 head of the Mississippi facility that if</p> |

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| <p style="text-align: right;">Page 158</p> <p>1 Shelley</p> <p>2 anyone brings a lawsuit against Signal then we</p> <p>3 are going to let your visa's expire and this</p> <p>4 program is going to be over. Is it your</p> <p>5 testimony that that would not be perceived by</p> <p>6 those workers as a threat in any way?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. In understanding how Indian</p> <p>10 workers think, since many of them have spent</p> <p>11 much of their lives in the Middle East, in</p> <p>12 Saudi Arabia, in UAE and elsewhere, I am not</p> <p>13 sure that they would perceive this in the way</p> <p>14 that you are talking about.</p> <p>15 Q. But they might have?</p> <p>16 A. I would say it is highly unlikely</p> <p>17 because they have lived in a world in which</p> <p>18 they have had no rights for seven or ten</p> <p>19 years, not even the right to go to church.</p> <p>20 Q. So having their rights taken away</p> <p>21 in Mississippi would be okay with them?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. We are not talking about having</p> <p>25 their rights taken away. You asked me how</p> | <p style="text-align: right;">Page 159</p> <p>1 Shelley</p> <p>2 they would perceive such a statement. That is</p> <p>3 a very different question than saying having</p> <p>4 their rights taken away. You asked me about</p> <p>5 their perception.</p> <p>6 Q. I want to come back to your</p> <p>7 statement that drawing a distinction between</p> <p>8 letting a visa expire that otherwise would be</p> <p>9 extended, and terminating a worker before the</p> <p>10 expiration of their original visa term, okay.</p> <p>11 And I want to know whether if Mr. Schnoor had</p> <p>12 said if someone sues Signal we are going to</p> <p>13 terminate the program immediately and send you</p> <p>14 all back to India immediately, that would be a</p> <p>15 problem for you, but just telling them that we</p> <p>16 are going to let the program expire, we are</p> <p>17 not going to extend your visas is okay; are</p> <p>18 you drawing that distinction?</p> <p>19 A. I am certainly drawing a</p> <p>20 distinction between those two.</p> <p>21 Q. So in your mind at least the first</p> <p>22 scenario, if he told them if any of you file a</p> <p>23 lawsuit we are going to terminate the program</p> <p>24 immediately and send you back to India</p> <p>25 immediately, that would be a problem?</p> |
| <p style="text-align: right;">Page 160</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I am not getting into the minds of</p> <p>5 the Indian workers, and I think that is a very</p> <p>6 important think to understand, is how what</p> <p>7 they know about their labor rights, what they</p> <p>8 understand about the right to organize in the</p> <p>9 State of Mississippi and the State of</p> <p>10 Louisiana, they may not be what you think of</p> <p>11 as ideal, but there are certain laws of which</p> <p>12 I think most of them are not aware of unless</p> <p>13 there is someone explaining this to them.</p> <p>14 Q. Well what Mr. Schnoor is</p> <p>15 explaining to them is if you file a lawsuit</p> <p>16 against Signal you will all be going back to</p> <p>17 India. That is what he explains to them;</p> <p>18 right.</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. He says that this program will be</p> <p>22 terminated when the visas are complete.</p> <p>23 Q. You understand, don't you, that</p> <p>24 these workers who had taken out debts to pay</p> <p>25 their recruiting fees for the opportunity to</p> | <p style="text-align: right;">Page 161</p> <p>1 Shelley</p> <p>2 come to Signal and have been give promises --</p> <p>3 A. They did not take out their debts</p> <p>4 to come to Signal. Many of them took out</p> <p>5 debts way before Signal ever entered into this</p> <p>6 picture.</p> <p>7 Q. And some of them took out debts</p> <p>8 specifically to come to Signal; is that</p> <p>9 correct?</p> <p>10 A. Some of them did.</p> <p>11 Q. Which of the plaintiffs going to</p> <p>12 trial in January were recruited in 2006</p> <p>13 specifically for Signal and took out their</p> <p>14 debts to come to work at Signal?</p> <p>15 A. I have to review my files, but</p> <p>16 some of them did and some of them had presided</p> <p>17 this.</p> <p>18 Q. And do you draw a distinction</p> <p>19 between the two groups?</p> <p>20 A. I think it is very important to</p> <p>21 understand when you talk about the complicity</p> <p>22 of Signal, that there is a very important</p> <p>23 distinction that Signal was not involved in</p> <p>24 the recruiting process, and this started way</p> <p>25 before Signal ever got into the picture.</p> |

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| <p style="text-align: right;">Page 162</p> <p>1 Shelley</p> <p>2 Q. When in your mind, if ever, did</p> <p>3 Signal become complicit in the recruiting</p> <p>4 process?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I would not say that Signal is</p> <p>8 complicit in the recruiting process, but</p> <p>9 Signal hired recruiters who had workers that</p> <p>10 they had to place since 2003.</p> <p>11 Q. For the ones in 2006 Signal was</p> <p>12 involved in the recruiting process for those</p> <p>13 workers; is that correct?</p> <p>14 A. All that Signal did in that</p> <p>15 recruiting process was test some of the</p> <p>16 workers. They were not actively involved in</p> <p>17 the recruiting process.</p> <p>18 Q. Have you studied any of the</p> <p>19 testimony about whether or not the Signal</p> <p>20 representatives who went to India to test the</p> <p>21 workers were physically in the room with</p> <p>22 Sachin Dewan and Michael Pol and Malvern</p> <p>23 Burnett when they spoke to the workers?</p> <p>24 A. I read some of their statements</p> <p>25 and I have asked them questions about what was</p> | <p style="text-align: right;">Page 163</p> <p>1 Shelley</p> <p>2 going on and what they observed.</p> <p>3 Q. Who specifically did you ask about</p> <p>4 what they heard going on and what they</p> <p>5 observed in India at Signal?</p> <p>6 A. When I talked to the recruiters,</p> <p>7 to Darrell and others who were there, they</p> <p>8 explained to me that they could not understand</p> <p>9 much of what was going on because it was not</p> <p>10 conducted in English.</p> <p>11 Q. Is Darrell Snyder the one Signal</p> <p>12 representative that you spoke to and</p> <p>13 interviewed who went to India as part of the</p> <p>14 recruiting process or were there others?</p> <p>15 A. There were others.</p> <p>16 Q. Who else?</p> <p>17 A. I will have to review my notes.</p> <p>18 Q. You know of course that Darrell</p> <p>19 Snyder was not in India in 2006, he went in</p> <p>20 2007; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. So I want to know if you can</p> <p>23 recall the name of any Signal person that you</p> <p>24 interviewed who actually went to India in</p> <p>25 2006?</p> |
| <p style="text-align: right;">Page 164</p> <p>1 Shelley</p> <p>2 A. I interviewed one of the testers,</p> <p>3 I will have to go into my notes, but I don't</p> <p>4 have total recall at the moment. I have not</p> <p>5 been on this case for six years like you, but</p> <p>6 I have met these people and I have notes that</p> <p>7 I have taken.</p> <p>8 Q. In paragraph 17 you state: There</p> <p>9 is strong indications that some individuals</p> <p>10 engaged in fraud in India by having other</p> <p>11 persons take the skills test for them as</p> <p>12 indicated by the fact that the Signal skills</p> <p>13 tester did not recognize them on their arrival</p> <p>14 in the U.S., and their failure to be able to</p> <p>15 perform the needed skills.</p> <p>16 Was that statement that you made</p> <p>17 based on your conversation with the one Signal</p> <p>18 representative who went to test workers in</p> <p>19 India in 2006?</p> <p>20 A. Not only. It is also based on</p> <p>21 some of the tests that I have seen of the</p> <p>22 welding tests that have been taken. It has</p> <p>23 also been taken on some of the T visa</p> <p>24 applications that I have read in which</p> <p>25 individuals, at least one of them has admitted</p> | <p style="text-align: right;">Page 165</p> <p>1 Shelley</p> <p>2 to not having worked as a welder before, but</p> <p>3 being a farmer. And it is also unfortunately</p> <p>4 a practice in India all the time of having</p> <p>5 other people take tests for you and</p> <p>6 misrepresent your credentials, and that goes</p> <p>7 up to the highest levels in India.</p> <p>8 Q. And what is your basis for that</p> <p>9 statement?</p> <p>10 A. Because I am a researcher on</p> <p>11 corruption and I can give you examples from</p> <p>12 outside this case that I know of.</p> <p>13 Q. Can you?</p> <p>14 A. Certainly. For example I have one</p> <p>15 scholar applying for a Fulbright at the</p> <p>16 university, and he gave me a list of his</p> <p>17 credentials which seemed very strange to me</p> <p>18 for a person at such a low level Indian</p> <p>19 institution. I therefore sent a request to</p> <p>20 somebody that I am acquainted with to ask the</p> <p>21 vice rector, former vice rector of Calcutta</p> <p>22 University to check on these credentials, and</p> <p>23 they were fraudulent.</p> <p>24 I can go into other experiences,</p> <p>25 but it is a major problem not only in the hard</p> |

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| <p style="text-align: right;">Page 166</p> <p>1 Shelley</p> <p>2 sciences, but in applications to universities,</p> <p>3 in applications to research fellowships, in</p> <p>4 applications it is for any kind of work that</p> <p>5 people overstayed or misrepresent their job</p> <p>6 credentials.</p> <p>7 Q. Specific to India you are talking</p> <p>8 about?</p> <p>9 A. Yes.</p> <p>10 Q. Specific to skilled workers in</p> <p>11 India?</p> <p>12 A. Yes. It is across the board in</p> <p>13 India.</p> <p>14 Q. Have you done before this case any</p> <p>15 specific work with skilled workers in India?</p> <p>16 A. No.</p> <p>17 Q. Which plaintiff to your</p> <p>18 recollection was a farmer and never had done</p> <p>19 any welding or pipe fitting?</p> <p>20 A. I have all the annotated T visa's</p> <p>21 here.</p> <p>22 Q. What do you have?</p> <p>23 A. I have annotated them with</p> <p>24 comments.</p> <p>25 Q. Annotated your report with</p> | <p style="text-align: right;">Page 167</p> <p>1 Shelley</p> <p>2 comments?</p> <p>3 A. No, I took the T visa's -- wait a</p> <p>4 second. I will have to check in here. But he</p> <p>5 was recently deposed I know. I am going to</p> <p>6 have to check.</p> <p>7 Q. Let's move on then.</p> <p>8 By the way you are not an expert</p> <p>9 on welding, are you?</p> <p>10 A. No, but I have learned something</p> <p>11 on it recently.</p> <p>12 Q. Well you testify in your -- or you</p> <p>13 put forth in your report that you could tell</p> <p>14 that Mr. Khuttan, one of the plaintiffs, was</p> <p>15 not a very good welder because you were shown</p> <p>16 a picture of his welding test in India; is</p> <p>17 that correct?</p> <p>18 A. No, I was shown pictures of Mr.</p> <p>19 Khuttan's welding and I was shown pictures of</p> <p>20 what a good weld looks like, so I could make a</p> <p>21 comparison between what a bad weld looks like</p> <p>22 and a good weld looks like.</p> <p>23 Q. And you were explained that by</p> <p>24 someone who is an expert in welding; correct?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 168</p> <p>1 Shelley</p> <p>2 Q. Is that someone from Signal?</p> <p>3 A. Yes. But I have in my life done a</p> <p>4 lot of house renovation, I know something</p> <p>5 about what work you need to do to fix</p> <p>6 properties.</p> <p>7 Q. And you are holding yourself out</p> <p>8 in this case as an expert in welding to the</p> <p>9 jury?</p> <p>10 A. No, but I think that if somebody</p> <p>11 is making an explanation to me that is faulty</p> <p>12 I could tell if they were lying to me, that</p> <p>13 much I can tell you. But I am not going to</p> <p>14 tell you that I am not an expert on welding.</p> <p>15 But you can tell when somebody is lying to</p> <p>16 you.</p> <p>17 Q. Yes I can.</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 Q. Let's take a look at page 6,</p> <p>21 paragraph 8 of your report: Trafficking is a</p> <p>22 legally defined concept and is not subject to</p> <p>23 shifting definitions to suit the occasion.</p> <p>24 You are critical of reports by the</p> <p>25 Southern Poverty Law Center because in your</p> | <p style="text-align: right;">Page 169</p> <p>1 Shelley</p> <p>2 view they have used, to use your words,</p> <p>3 shifting definitions of trafficking; is that</p> <p>4 fair to say?</p> <p>5 A. Yes.</p> <p>6 Q. And the trafficking definition</p> <p>7 that you use in your report is quote: The</p> <p>8 recruitment, harboring, transportation,</p> <p>9 provision or obtaining of a person for labor</p> <p>10 or services through the use of force, fraud or</p> <p>11 coercion for the purpose of subjection to</p> <p>12 involuntary servitude, peonage, debt bondage</p> <p>13 or slavery. Am I correct?</p> <p>14 A. Yes.</p> <p>15 Q. That is the definition that you</p> <p>16 don't want to shift from, is that fair to say?</p> <p>17 A. This is the TVPA definition.</p> <p>18 Q. Okay.</p> <p>19 A. I can't shift from a legal</p> <p>20 definition. What I can say is that when I</p> <p>21 read the reports, because I have a book on</p> <p>22 human trafficking, and I read the reports that</p> <p>23 Southern Poverty Law Center prepared on what</p> <p>24 was human trafficking in New Orleans, it was a</p> <p>25 total different phenomenon from the Signal</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 Shelley</p> <p>2 case.</p> <p>3 Q. My question to you is the</p> <p>4 definition of trafficking that you use for</p> <p>5 your report that you say comes from the TVPA,</p> <p>6 specifically what statute provides that</p> <p>7 definition; let me ask it this.</p> <p>8 That comes from 22 U.S. Code</p> <p>9 Section 7102, does it not?</p> <p>10 A. Yes.</p> <p>11 Q. And that is the definition of</p> <p>12 severe forms of trafficking in persons;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And then it is quoted right from</p> <p>16 there; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the definition that you</p> <p>19 understand is applicable to private rights of</p> <p>20 action for forced labor under the TVPA; is</p> <p>21 that the applicable definition?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form. That is a legal conclusion, I</p> <p>24 don't think she has to answer that.</p> <p>25 MR. HOWARD: Well she has given</p> | <p style="text-align: right;">Page 171</p> <p>1 Shelley</p> <p>2 lots of legal conclusions in her report,</p> <p>3 so I think I am free to ask her.</p> <p>4 A. I am not providing -- I am not</p> <p>5 going into a contextual analysis. The point</p> <p>6 that I was making here is that the Southern</p> <p>7 Poverty Law Center in explaining to the world</p> <p>8 what human trafficking was like described a</p> <p>9 totally different phenomenon than what you</p> <p>10 have in the Signal case.</p> <p>11 Q. But in your paragraph 8 I want to</p> <p>12 know for purposes of drawing your conclusions</p> <p>13 in this case, and it is your opinion, we</p> <p>14 talked about it this morning, that Signal was</p> <p>15 not involved in human trafficking in any way;</p> <p>16 correct?</p> <p>17 A. No.</p> <p>18 Q. That is your opinion?</p> <p>19 A. Right.</p> <p>20 Q. And I want to know whether the</p> <p>21 definition you were using to reach that</p> <p>22 conclusion is the definition that we have just</p> <p>23 read that comes from 22 U.S. Code Section 7102</p> <p>24 that you use and quote in your report?</p> <p>25 MR. ROUX: Objection as to the</p> |
| <p style="text-align: right;">Page 172</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. I am using this definition which</p> <p>4 is also being used by your expert witness on</p> <p>5 your side on -- because I am addressing the</p> <p>6 comments that you have presented on what the</p> <p>7 definition of human trafficking is.</p> <p>8 Q. My question again, Professor</p> <p>9 Shelley, is when you give the opinion in this</p> <p>10 case that Signal was not involved in human</p> <p>11 trafficking, is the definition that you are</p> <p>12 using the one that you quote at paragraph 8 of</p> <p>13 your report?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. I am using, and because this case</p> <p>17 is also, and I should have put this in, a case</p> <p>18 on forced labor, I used provision Section 1589</p> <p>19 and Section 1590.</p> <p>20 Q. Where do you have those in your</p> <p>21 report?</p> <p>22 A. I said I should have, and we sent</p> <p>23 a statement last week to you saying that I of</p> <p>24 course considered these provisions and that</p> <p>25 should be added to my statement. That was</p> | <p style="text-align: right;">Page 173</p> <p>1 Shelley</p> <p>2 provided last week.</p> <p>3 MR. ROUX: Can we go off the</p> <p>4 record briefly?</p> <p>5 Q. We are on the record.</p> <p>6 I never got that statement. Are</p> <p>7 you now amending your report to say that you</p> <p>8 are considering not 22 U.S.C. 7102, but 18</p> <p>9 U.S. Code 1589?</p> <p>10 A. I didn't say but. I also reviewed</p> <p>11 provision 1589 and 1590.</p> <p>12 Q. You reviewed them. Are you saying</p> <p>13 that you also applied the definitions of 1589</p> <p>14 and 1590 in reaching your conclusions in this</p> <p>15 case?</p> <p>16 A. Yes.</p> <p>17 MS. HANGARTNER: Just for the</p> <p>18 record the TVPA provisions that you are</p> <p>19 citing from right now, what year are</p> <p>20 those?</p> <p>21 MR. HOWARD: The current.</p> <p>22 MS. HANGARTNER: The current TVPA?</p> <p>23 MR. HOWARD: Yes, but I think they</p> <p>24 were in effect in --</p> <p>25 MS. HANGARTNER: The TVPA has been</p> |

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| <p style="text-align: right;">Page 174</p> <p>1 Shelley</p> <p>2 amended since then.</p> <p>3 MR. HOWARD: I know. But I am</p> <p>4 talking about the definitional phrases</p> <p>5 provisions. We can have this argument</p> <p>6 later.</p> <p>7 Q. So in connection with 1589 you are</p> <p>8 aware that someone is guilty of trafficking</p> <p>9 through forced labor whoever knowingly</p> <p>10 provides or obtains the labor or services of a</p> <p>11 person by any one of the following means. One</p> <p>12 of which is by means of serious harm or</p> <p>13 threats of serious harm to that person or</p> <p>14 another person. Are you aware of that?</p> <p>15 MR. ROUX: Objection as to the</p> <p>16 form.</p> <p>17 A. Yes.</p> <p>18 Q. Or by means of the abuse or</p> <p>19 threatened abuse of law or legal process;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 Q. And do you agree with me that</p> <p>25 serious harm as it is defined for purposes of</p> | <p style="text-align: right;">Page 175</p> <p>1 Shelley</p> <p>2 establishing a claim for trafficking and</p> <p>3 forced labor under the TVPA can be</p> <p>4 psychological harm, it doesn't have to be</p> <p>5 physical harm?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 MS. HANGARTNER: This is not the</p> <p>9 TVPA that applies to this matter.</p> <p>10 MR. HOWARD: Okay.</p> <p>11 MR. RAMSEY: I don't think that is</p> <p>12 correct for the record. For the record</p> <p>13 the definitions were taken directly from</p> <p>14 case law and then put into the TVPA. So</p> <p>15 I think you are wrong. I think that the</p> <p>16 objection is inappropriate. Let's move</p> <p>17 on.</p> <p>18 MS. HANGARTNER: I disagree.</p> <p>19 Q. And I want to be clear too. I do</p> <p>20 not want to elicit legal conclusions from you.</p> <p>21 I want to know when you make conclusions as a</p> <p>22 trafficking expert and when you conclude from</p> <p>23 all the records you have seen and review you</p> <p>24 have done and the facts in this case, which I</p> <p>25 also understand are ongoing, so I definitely</p> |
| <p style="text-align: right;">Page 176</p> <p>1 Shelley</p> <p>2 want to give you the opportunity to amend your</p> <p>3 opinions. But at least the opinions that you</p> <p>4 express in your report as of August 29, 2014</p> <p>5 that Signal was not engaged in human</p> <p>6 trafficking, I want to know what you had in</p> <p>7 mind as is meant by human trafficking?</p> <p>8 A. I have relied heavily on the</p> <p>9 publications of Southern Poverty Law Center in</p> <p>10 examining and defining what I think of as</p> <p>11 human trafficking. I have also written a 350</p> <p>12 page book which was written as a scholarly</p> <p>13 book and is now the standard textbook on human</p> <p>14 trafficking that is used at Harvard and the</p> <p>15 Kennedy School and almost every other top</p> <p>16 university in the United States.</p> <p>17 So when I discuss what I think</p> <p>18 about human trafficking, it is not just a</p> <p>19 one-page conclusion. I have spent 20 years of</p> <p>20 my life or more by now studying human</p> <p>21 trafficking.</p> <p>22 Q. And with all that time studying</p> <p>23 and your textbook can you tell me what it</p> <p>24 means to you, that is human trafficking, that</p> <p>25 you can then compare the conduct of a company</p> | <p style="text-align: right;">Page 177</p> <p>1 Shelley</p> <p>2 like Signal in a case like this?</p> <p>3 A. In most cases just like what is</p> <p>4 written in the Southern Poverty Law Center the</p> <p>5 companies and in the precedent cases like</p> <p>6 Pickle pay the workers not less than the</p> <p>7 minimum wage. They do not provide the workers</p> <p>8 health benefits. They treat the workers as</p> <p>9 disposable people. They hold their passports.</p> <p>10 They deny them mobility, which Judge Zainey in</p> <p>11 his decision said did not happen.</p> <p>12 Furthermore they often have as you</p> <p>13 asked me trauma, so that they hide their</p> <p>14 identities permanently. They are not all over</p> <p>15 Facebook as these defendants or plaintiffs are</p> <p>16 who have not hidden their identities at all.</p> <p>17 That is about the psychological side of it.</p> <p>18 But the circumstances of this in</p> <p>19 which a company pays it's workers \$18 an hour,</p> <p>20 50 percent overtime, health benefits, and</p> <p>21 gives people vacation time, I have never seen</p> <p>22 a trafficking case in my life that conforms to</p> <p>23 those conditions.</p> <p>24 Q. Is it your opinion that a company</p> <p>25 cannot be engaged in trafficking if it pays</p> |

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| <p style="text-align: right;">Page 178</p> <p>1 Shelley</p> <p>2 it's workers \$18 an hour plus overtime and</p> <p>3 gives vacation?</p> <p>4 A. Those are not the only conditions</p> <p>5 of trafficking, but they are an important</p> <p>6 prerequisite that they are paying and treating</p> <p>7 workers at an appropriate -- with a very high</p> <p>8 rate of pay. Most of trafficking consists of</p> <p>9 people being abused in their form of payment.</p> <p>10 Q. I am just confused by your use of</p> <p>11 the word prerequisite. Is it your opinion</p> <p>12 that it is a prescription for finding</p> <p>13 trafficking that workers be paid less than</p> <p>14 minimum wage, or a poor wage?</p> <p>15 A. It is certainly one of the key</p> <p>16 elements, but not the only element of human</p> <p>17 trafficking.</p> <p>18 Q. I understand it is not the only</p> <p>19 element of human trafficking, but is it a</p> <p>20 necessary element in your view?</p> <p>21 A. If someone is being paid under the</p> <p>22 minimum wage that is in violation of the law,</p> <p>23 that is an important element of human</p> <p>24 trafficking. Not the only one, but an</p> <p>25 important element of it.</p> | <p style="text-align: right;">Page 179</p> <p>1 Shelley</p> <p>2 Q. And the flip side, if a worker is</p> <p>3 being paid above minimum wage, is that to your</p> <p>4 mind dispositive of the question of their</p> <p>5 being trafficked, meaning if they are being</p> <p>6 paid above minimum wage they cannot be victims</p> <p>7 of trafficking; is that your opinion?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. I did not say that it is the only</p> <p>11 condition. I gave you multiple conditions</p> <p>12 that exist in this case. But wage is a very</p> <p>13 important consideration.</p> <p>14 Q. I understand that. I am</p> <p>15 questioning now about wage. Is it your</p> <p>16 opinion that if a worker is paid a good wage</p> <p>17 above minimum wage that worker cannot be a</p> <p>18 victim of trafficking?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. You have sex trafficking victims</p> <p>22 who are paid money by their traffickers and</p> <p>23 are violently abused, and yet you have a</p> <p>24 person that can be trafficked. So money is</p> <p>25 not the only variable, but it is an important</p> |
| <p style="text-align: right;">Page 180</p> <p>1 Shelley</p> <p>2 variable.</p> <p>3 Q. Fair enough. How about a skilled</p> <p>4 worker, is it possible for a skilled worker to</p> <p>5 be a victim of forced labor as opposed to sex</p> <p>6 trafficking, even if that worker is getting</p> <p>7 paid above minimum wage?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. As I mentioned just now there are</p> <p>11 numerous conditions that apply, and as I have</p> <p>12 said before and I will say again, wage is just</p> <p>13 one of them. How many times do I have to say</p> <p>14 it?</p> <p>15 Q. Well when you use words such as</p> <p>16 prerequisite or necessary, I understand that</p> <p>17 it is one of the factors, I am just asking you</p> <p>18 whether you agree that a skilled worker could</p> <p>19 be paid above minimum wage and still be a</p> <p>20 victim of trafficking; its possible?</p> <p>21 A. Its possible, that is what I said.</p> <p>22 Q. Now in your report you talk about</p> <p>23 there being an absence of captivity, that they</p> <p>24 had mobility?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 181</p> <p>1 Shelley</p> <p>2 Q. Is that again a factor as opposed</p> <p>3 to a prerequisite for trafficking?</p> <p>4 A. If an individual is confined to a</p> <p>5 facility, literally I have seen cases where</p> <p>6 women are chained to the walls or workers</p> <p>7 held, that is absolutely a condition of human</p> <p>8 trafficking. But the fact that the workers</p> <p>9 had mobility is a very important factor in</p> <p>10 denying the presence of human trafficking, as</p> <p>11 Judge Zainey also said that.</p> <p>12 Q. Is it your opinion that if workers</p> <p>13 are entitled to hold their own passports they</p> <p>14 cannot be victims of human trafficking or</p> <p>15 forced labor?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. As I have said to you there are</p> <p>19 multiple factors that come into a decision of</p> <p>20 human trafficking. If your passport is held,</p> <p>21 that is a very strong condition in favor of</p> <p>22 there being human trafficking. If you hold</p> <p>23 your own passport it is a favorable condition</p> <p>24 for the denial of human trafficking.</p> <p>25 Q. Because by having your own</p> |

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| <p style="text-align: right;">Page 182</p> <p>1 Shelley</p> <p>2 passport you are free to leave the country; is</p> <p>3 that correct?</p> <p>4 A. You are free to move, you have</p> <p>5 your identity papers that you need for your</p> <p>6 existence.</p> <p>7 Q. We talk about mobility. You are</p> <p>8 talking about mobility in the sense of the</p> <p>9 workers could come and go from the Signal</p> <p>10 facility; correct?</p> <p>11 A. Yes, but I am talking about</p> <p>12 mobility way beyond the Signal facility.</p> <p>13 Q. In what sense?</p> <p>14 A. That people traveled all over the</p> <p>15 United States to visit relatives.</p> <p>16 Q. Do you have an understanding in</p> <p>17 this case, for each of the workers who were at</p> <p>18 Signal on H-2B visas, one of their options was</p> <p>19 to stay working for Signal; correct?</p> <p>20 A. Yes, because under an H-2B visa</p> <p>21 you need to stay with the employer for whom</p> <p>22 your visa is issued. So they don't have many</p> <p>23 options under an H-2B visa.</p> <p>24 Q. That is my point. I want to know</p> <p>25 what other options these workers had?</p> | <p style="text-align: right;">Page 183</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I understand that there were</p> <p>5 efforts by the recruiters to get some of the</p> <p>6 workers transferred to other employers. But</p> <p>7 in terms of the structure of the H-2B visa</p> <p>8 program the workers who have visas for Signal</p> <p>9 are required to work with Signal. That is a</p> <p>10 U.S. Government regulation and this was in</p> <p>11 force and complied with.</p> <p>12 Q. So these workers had two other</p> <p>13 options though, correct, in that they could</p> <p>14 leave Signal, stay in the U.S. and be</p> <p>15 undocumented, that is one other option;</p> <p>16 correct?</p> <p>17 A. It is not a legal option.</p> <p>18 Q. The other legal option was to go</p> <p>19 back to India; correct?</p> <p>20 A. Also there was a third option, is</p> <p>21 that if you have another employer that will do</p> <p>22 the paperwork you can get a transfer of your</p> <p>23 H-2B visa from one employer to another</p> <p>24 employer, and that happened with some of the</p> <p>25 Signal employees. In fact many of them.</p> |
| <p style="text-align: right;">Page 184</p> <p>1 Shelley</p> <p>2 Q. How many of them?</p> <p>3 A. I don't know, but there are --</p> <p>4 that have moved and have legal status, they</p> <p>5 did not all stay illegally. They were leaving</p> <p>6 to some other employers when the paperwork</p> <p>7 that had been started earlier came through.</p> <p>8 Q. Who did that paperwork?</p> <p>9 A. The recruiters, because they had</p> <p>10 been recruited originally for some other</p> <p>11 companies.</p> <p>12 Q. That is your understanding of the</p> <p>13 record?</p> <p>14 A. I understand that some of them</p> <p>15 transferred to other employers and had their</p> <p>16 H2-B visas transferred.</p> <p>17 Q. Where did you get that</p> <p>18 understanding?</p> <p>19 A. From some of the documents that I</p> <p>20 read.</p> <p>21 Q. Can you remember any one</p> <p>22 specifically?</p> <p>23 A. I can't remember a particular</p> <p>24 document that I read, but I know that some of</p> <p>25 them did move.</p> | <p style="text-align: right;">Page 185</p> <p>1 Shelley</p> <p>2 Q. Would you agree or disagree with</p> <p>3 the following statement, that the high</p> <p>4 recruitment fees and deceptive recruitment</p> <p>5 practices directed at plaintiffs made them</p> <p>6 vulnerable to forced labor and trafficking?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 MR. SHAPIRO: Objection to the</p> <p>10 form.</p> <p>11 A. There is a question of whether</p> <p>12 there is a vulnerability, and there could be a</p> <p>13 vulnerability, but I do not determine that</p> <p>14 there are the conditions of forced labor at</p> <p>15 Signal.</p> <p>16 Q. So you agree with me there is</p> <p>17 vulnerability from those conditions?</p> <p>18 A. There is --</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. In the process of being a migrant</p> <p>22 worker anywhere there is always a condition of</p> <p>23 vulnerability, and some of these other</p> <p>24 conditions compound one's vulnerability.</p> <p>25 Q. And would you agree that the high</p> |

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| <p style="text-align: right;">Page 186</p> <p>1 Shelley</p> <p>2 recruitment fees and deceptive recruitment</p> <p>3 practices directed at these migrant plaintiffs</p> <p>4 compounded their vulnerability to forced labor</p> <p>5 and trafficking?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 A. No.</p> <p>9 Q. Why not?</p> <p>10 A. Because I view the process of</p> <p>11 recruitment differently from the work</p> <p>12 conditions to which they were exposed.</p> <p>13 Q. How so?</p> <p>14 A. Because I believe that there is a</p> <p>15 process of recruitment, and then there is a</p> <p>16 process of employment. I don't know if I am</p> <p>17 that clear.</p> <p>18 Q. Well they are recruited to then</p> <p>19 become employed. If the recruitment process</p> <p>20 made them vulnerable to forced labor, what</p> <p>21 changes when they start getting employed?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. Because it depends on the</p> <p>25 conditions of their employment. So that in</p> | <p style="text-align: right;">Page 187</p> <p>1 Shelley</p> <p>2 the Pickle case -- no, the Pickle case does</p> <p>3 not deal with an H2-B visa. But in the</p> <p>4 process of coming as a worker, if you go into</p> <p>5 a situation in which you have an intentionally</p> <p>6 exploited worker situation, then you are</p> <p>7 increased vulnerability to forced labor.</p> <p>8 Q. With the high recruitment fees and</p> <p>9 deceptive recruitment practices as you have</p> <p>10 described them and mention them in your own</p> <p>11 report that were directed at the plaintiffs in</p> <p>12 this case, did that make them during the</p> <p>13 recruitment process vulnerable to forced labor</p> <p>14 and human trafficking?</p> <p>15 MR. ROUX: Objection as to the</p> <p>16 form.</p> <p>17 A. We are not discussing what</p> <p>18 happened to them during the recruitment</p> <p>19 process because I am discussing what is going</p> <p>20 on with Signal, and Signal was not involved</p> <p>21 except as a tester in this recruitment</p> <p>22 process.</p> <p>23 Q. So you are expressing no opinions</p> <p>24 one way or the other as to whether what</p> <p>25 happened to these workers in the recruitment</p> |
| <p style="text-align: right;">Page 188</p> <p>1 Shelley</p> <p>2 process made them vulnerable to forced labor</p> <p>3 and human trafficking or not?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. I would say in India everybody</p> <p>7 pays recruiters to go overseas, and every</p> <p>8 Indian worker that goes overseas has a</p> <p>9 possibility of being vulnerable to bonded and</p> <p>10 forced labor. That is the problem of the</p> <p>11 situation in India as it exist today for</p> <p>12 everyone.</p> <p>13 Q. Well you held yourself out as</p> <p>14 knowledgeable about the foreign worker</p> <p>15 phenomenon with Indian workers going to the</p> <p>16 UAE and Saudi Arabia and other places. How</p> <p>17 did the amount of the recruitment fees paid by</p> <p>18 the workers, the plaintiffs in this case,</p> <p>19 compare to the standard recruiting fees that</p> <p>20 those workers would pay to go to those other</p> <p>21 job opportunities?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. The workers paid less to go to the</p> <p>25 Middle East and received much less to go to</p> | <p style="text-align: right;">Page 189</p> <p>1 Shelley</p> <p>2 the Middle East.</p> <p>3 Q. So the recruitment fees were</p> <p>4 higher here than you have seen before?</p> <p>5 A. They were high, I will not say</p> <p>6 than I have seen before, they are high</p> <p>7 recruitment fees, that is clear.</p> <p>8 Q. So did that make them particularly</p> <p>9 vulnerable for forced labor?</p> <p>10 A. I wouldn't say that the payment of</p> <p>11 the fees to come to the United States makes</p> <p>12 them particularly vulnerable. I will say to</p> <p>13 you that the environment in which the workers</p> <p>14 go in the Middle East makes them particularly</p> <p>15 vulnerable. It is the environment in which</p> <p>16 you go to, the conditions of the work, the</p> <p>17 conditions of the pay, and many other</p> <p>18 conditions that exist in the country that</p> <p>19 establish vulnerability, it is not just the</p> <p>20 payment of recruitment fees.</p> <p>21 Q. What were the conditions at Signal</p> <p>22 through the employment that in your mind,</p> <p>23 maybe I am mis-hearing you, alleviated any</p> <p>24 vulnerability these workers had to forced</p> <p>25 labor or trafficking?</p> |

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| <p style="text-align: right;">Page 190</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. The workers at Signal were hired</p> <p>5 as workers at Signal, as employees of Signal.</p> <p>6 This is extremely unusual in the case of</p> <p>7 migrant workers to be hired under the same</p> <p>8 payroll conditions as domestic employees.</p> <p>9 Q. Well not all the conditions that</p> <p>10 were applied to the India H-2B workers were</p> <p>11 the same as Signal applied to their domestic</p> <p>12 employees, were they?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. They were hired as workers and I</p> <p>16 would like you to clarify your question some</p> <p>17 more.</p> <p>18 Q. The Indian H-2B workers when they</p> <p>19 were hired were required to live in Signal's</p> <p>20 man camps; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that was not a requirement of</p> <p>23 any other worker employed by Signal; is that</p> <p>24 correct?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 191</p> <p>1 Shelley</p> <p>2 Q. In fact Signal forbid any other</p> <p>3 workers other than the Indian workers from</p> <p>4 living in the man camps; is that correct?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I don't know if any other workers</p> <p>8 sought to live in the man camps.</p> <p>9 Q. Well you are aware and you talked</p> <p>10 about it in your expert report about this</p> <p>11 being the post Katrina era in the Gulf coast</p> <p>12 where there was a shortage of housing;</p> <p>13 correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And there was a shortage of</p> <p>16 workers because American workers were</p> <p>17 displaced from their housing; correct?</p> <p>18 A. Absolutely.</p> <p>19 Q. Signal could have made their man</p> <p>20 camps available to American workers who wanted</p> <p>21 to keep their jobs working with Signal, they</p> <p>22 could have done that; right?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. Also American workers at this time</p> |
| <p style="text-align: right;">Page 192</p> <p>1 Shelley</p> <p>2 went up to other places in the United States</p> <p>3 where fracking was starting and where there</p> <p>4 was an enormous demand for American workers at</p> <p>5 high pay. So there are other factors going on</p> <p>6 that reduced the pool of American workers and</p> <p>7 the conditions in this environment were not</p> <p>8 desirable for keeping workers there.</p> <p>9 Q. Do you know if there were American</p> <p>10 workers or contract workers other than the</p> <p>11 Indian workers available to Signal at the time</p> <p>12 they recruited the Indian H-2B workers?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. I know that at Signal there were</p> <p>16 American workers, there were some contractual</p> <p>17 workers from other countries, but they were</p> <p>18 not direct Signal employees.</p> <p>19 Q. The American workers and the</p> <p>20 contract workers were not required by Signal</p> <p>21 to live in the man camps; is that correct?</p> <p>22 A. The American workers had their own</p> <p>23 housing and the contractual workers did not</p> <p>24 directly work for Signal.</p> <p>25 Q. Were any of them required by</p> | <p style="text-align: right;">Page 193</p> <p>1 Shelley</p> <p>2 Signal to live in the man camps?</p> <p>3 A. They were not Signal employees.</p> <p>4 Q. Were any of them required by</p> <p>5 Signal to live in the man camps, anyone other</p> <p>6 than the Indian H-2B workers?</p> <p>7 A. No.</p> <p>8 Q. By the way you are familiar with</p> <p>9 the term that Signal used to describe the man</p> <p>10 camps as the reservation?</p> <p>11 A. I would not say that everybody at</p> <p>12 Signal referred to them as the reservation.</p> <p>13 Q. How many of them did?</p> <p>14 A. I don't know, but I know that it</p> <p>15 is not a universal comment because I have</p> <p>16 questioned the staff on this.</p> <p>17 Q. So you questioned them in 2014.</p> <p>18 Did you ever call the Indian worker man camps</p> <p>19 the reservation and they told you no?</p> <p>20 A. No, I am not that stupid.</p> <p>21 Q. So how did you come to the</p> <p>22 determination that it was not a universal term</p> <p>23 used to describe the man camps?</p> <p>24 A. Because when you ask questions of</p> <p>25 people you try and elicit an answer that will</p> |

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| <p style="text-align: right;">Page 194</p> <p>1 Shelley</p> <p>2 give you a view of how they viewed this camp,</p> <p>3 how they referred to it, and an open ended</p> <p>4 question is often a much better way of</p> <p>5 soliciting information than a direct question.</p> <p>6 Q. So what was the open ended</p> <p>7 question you asked of the Signal workers to</p> <p>8 make the determination that the term</p> <p>9 reservation was not universally used by Signal</p> <p>10 workers?</p> <p>11 A. I asked them what they considered</p> <p>12 of this housing and some people would say to</p> <p>13 me, oh that person referred to it as a</p> <p>14 reservation, and I would never think of it in</p> <p>15 those terms.</p> <p>16 Q. Who told you that?</p> <p>17 A. I am not sure, but there were at</p> <p>18 least a couple of people who said that to me.</p> <p>19 Q. And how many documents did you</p> <p>20 review where they actually used the term the</p> <p>21 reservation?</p> <p>22 A. I cannot tell you how many</p> <p>23 documents I reviewed that referred to this. I</p> <p>24 have seen the term, I know that it was not a</p> <p>25 universal term.</p> | <p style="text-align: right;">Page 195</p> <p>1 Shelley</p> <p>2 Q. Does it make it -- I mean at what</p> <p>3 level of use at a company does a derogatory</p> <p>4 term like the reservation for the man camp</p> <p>5 that only the Indian workers are required to</p> <p>6 live in become a problem for you as a</p> <p>7 trafficking expert?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. The question for me is not the</p> <p>11 name of it, the question comes to what are the</p> <p>12 circumstances that resulted in the creation of</p> <p>13 these facilities and why the Indian workers</p> <p>14 lived there. It is not what they are called,</p> <p>15 it is what they were.</p> <p>16 Q. So the fact that some Signal</p> <p>17 employees referred to this man camp as the</p> <p>18 reservation is of no significance to you at</p> <p>19 all?</p> <p>20 MR. ROUX: Objection as to the</p> <p>21 form.</p> <p>22 A. It may affect other aspects of</p> <p>23 this process, but it is not something that is</p> <p>24 necessarily part of a trafficking case. What</p> <p>25 is part of a trafficking case is what we are</p> |
| <p style="text-align: right;">Page 196</p> <p>1 Shelley</p> <p>2 looking at of the conditions in which people</p> <p>3 were living, or the facilities that existed,</p> <p>4 what people were charged for them, and not</p> <p>5 what somebody in this organization may call</p> <p>6 this.</p> <p>7 Q. Well for an Indian worker who</p> <p>8 hears the term reservation ascribed by his</p> <p>9 employer to the place where he is required to</p> <p>10 live, would that have any psychological impact</p> <p>11 on him in your opinion?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. I doubt it, and I can explain to</p> <p>15 you why I doubt it. One of them is that most</p> <p>16 of these Indians have been doing their</p> <p>17 depositions through translations, so the</p> <p>18 subtleties that you are referring to are not</p> <p>19 something that somebody who is not very fluent</p> <p>20 in English, of which many of these workers</p> <p>21 were not in 2006, be aware of.</p> <p>22 Secondly many of these workers</p> <p>23 have lived in restricted housing for most of</p> <p>24 their lives working overseas.</p> <p>25 Q. So does that tell you that they</p> | <p style="text-align: right;">Page 197</p> <p>1 Shelley</p> <p>2 are kind of used to having derogatory phrases</p> <p>3 ascribed to their housing conditions?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. I am not sure that these workers</p> <p>7 are knowing that this is referred to as the</p> <p>8 reservation, or that they understand what this</p> <p>9 means or what you are interpreting this to</p> <p>10 mean to an Indian who is not fluent in</p> <p>11 English.</p> <p>12 Q. I ask you to turn back to page 28</p> <p>13 of your report please?</p> <p>14 A. Can we take a bathroom break?</p> <p>15 MR. HOWARD: Sure. Off the</p> <p>16 record.</p> <p>17 (Recess taken.)</p> <p>18 Q. Professor Shelley, if you look at</p> <p>19 page 28, I think we saw this sentence before</p> <p>20 when Bob Marler, you actually meant Dick</p> <p>21 Marler, the CEO, saw the occupancy density</p> <p>22 when the camps were first set up he ordered</p> <p>23 more trailers to reduce crowding.</p> <p>24 He told you that; right?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">Page 198</p> <p>1 Shelley</p> <p>2 Q. And did he tell you that he made</p> <p>3 the decision that the camps would be too</p> <p>4 crowded before the first worker even arrived</p> <p>5 at Signal in November of 2006?</p> <p>6 A. I wouldn't say that he made a</p> <p>7 decision that they would be too crowded. He</p> <p>8 made a decision based on his analysis that</p> <p>9 this is what he would order, and when he saw</p> <p>10 the way it looked he said that he ordered more</p> <p>11 trailers.</p> <p>12 Q. And he ordered more trailers</p> <p>13 because when he saw the ones that were</p> <p>14 originally ordered it would be overcrowded,</p> <p>15 right, not enough?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. He looked at the trailers and</p> <p>19 wanted more space for the workers.</p> <p>20 Q. To reduce crowding, that is the</p> <p>21 words that you used?</p> <p>22 A. Yes, but it is not that he</p> <p>23 intentionally ordered a certain number of</p> <p>24 facilities originally to crowd the workers.</p> <p>25 Q. No, but he realized whatever he</p> | <p style="text-align: right;">Page 199</p> <p>1 Shelley</p> <p>2 did order was going to crowd the workers and</p> <p>3 they needed more; is that correct?</p> <p>4 A. Yes, so that when he saw what</p> <p>5 was -- what he thought was a problem he wanted</p> <p>6 more, he wanted better things for his workers,</p> <p>7 yes.</p> <p>8 Q. That was in October of 2006; is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. When did Signal order more</p> <p>12 trailers?</p> <p>13 A. After that. I don't know exactly</p> <p>14 when they ordered them.</p> <p>15 MR. HOWARD: Would you mark this</p> <p>16 as Shelley Exhibit 10, document numbered</p> <p>17 SIGE 0556816.</p> <p>18 (Shelley Exhibit 10, one-page</p> <p>19 excerpt from Mr. Sanders diary dated</p> <p>20 Friday, January 19, 2007, numbered SIGE</p> <p>21 0556816, marked for identification, as of</p> <p>22 this date.)</p> <p>23 Q. Showing you now what has been</p> <p>24 marked as Exhibit 10 to your deposition,</p> <p>25 one-page excerpt from Mr. Sanders diary dated</p> |
| <p style="text-align: right;">Page 200</p> <p>1 Shelley</p> <p>2 Friday, January 19, 2007, SIGE 0556816. I</p> <p>3 will ask if you have ever seen this before?</p> <p>4 A. No I have not seen this.</p> <p>5 Q. Take a moment and review it</p> <p>6 please?</p> <p>7 A. Okay.</p> <p>8 MR. HOWARD: Would you mark this</p> <p>9 as Shelley Exhibit 11, E-mail dated June</p> <p>10 14, 2007, numbered SIGE 0048939.</p> <p>11 (Shelley Exhibit 11, E-mail dated</p> <p>12 June 14, 2007, numbered SIGE 0048939,</p> <p>13 marked for identification, as of this</p> <p>14 date.)</p> <p>15 A. This thing that is blacked out --</p> <p>16 Q. Maybe you can read it better on my</p> <p>17 version.</p> <p>18 A. I can't, if you can read it to me.</p> <p>19 Q. I will read it to you. You see</p> <p>20 the part where Mr. Sanders is talking about</p> <p>21 wanting to put in a purchase order with</p> <p>22 Ameritech for the additional trailers;</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And that before you could get Ron</p> | <p style="text-align: right;">Page 201</p> <p>1 Shelley</p> <p>2 and Chris, and that is Ron Schnoor and the CFO</p> <p>3 Chris Cunningham, to sign off on the</p> <p>4 expenditure I had to tabulate the actual cost</p> <p>5 we incurred to date.</p> <p>6 You see that; right?</p> <p>7 A. Yes.</p> <p>8 Q. What he also says in the portion</p> <p>9 that you have difficulty reading: This</p> <p>10 information coupled with Ron's information</p> <p>11 today that the Indians are not as physically</p> <p>12 strong as red neck south Mississippi boys and</p> <p>13 simply do not work fast had him questioning</p> <p>14 the whole deal of the Indians being here. And</p> <p>15 then we realized, or more accurately he</p> <p>16 realized, that we were not adding in the \$35 a</p> <p>17 day boarding charge we were collecting. That</p> <p>18 totals \$3 million a year which changed the</p> <p>19 complexion entirely. Ron was on board.</p> <p>20 Did you learn through your</p> <p>21 investigation or discussions with Mr. Marler</p> <p>22 that his determination in October of 2006 that</p> <p>23 there needed to be more trailers ordered to</p> <p>24 reduce the crowding in the Mississippi man</p> <p>25 camp actually did not turn into a purchase</p> |

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| <p style="text-align: right;">Page 202</p> <p>1 Shelley</p> <p>2 order for trailers until late January 2007?</p> <p>3 A. I knew there was some delay, I</p> <p>4 could not tell you exactly what the delay was,</p> <p>5 what the timeframe was.</p> <p>6 Q. And you probably couldn't tell me</p> <p>7 then what the reason for the delay was either;</p> <p>8 correct?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. I can't say, no.</p> <p>12 Q. And does it appear to you the</p> <p>13 reason for the delay is Signal wanted to make</p> <p>14 sure it had it's cost set and was not going to</p> <p>15 pay for new trailers until it could make sure</p> <p>16 that it could collect the money from the</p> <p>17 Indian workers themselves to pay for them?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. There were many things that I</p> <p>21 learned about the operation of these man</p> <p>22 camps, and to make a simple statement like</p> <p>23 that is simplifying the problem.</p> <p>24 Q. You understood that the \$35 a day</p> <p>25 charge for the man camps included a portion to</p> | <p style="text-align: right;">Page 203</p> <p>1 Shelley</p> <p>2 reimburse Signal for the cost of operating the</p> <p>3 camp, plus a portion that went back into</p> <p>4 Signal's pockets that was more than the cost</p> <p>5 of running the camp themselves; is that</p> <p>6 correct?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. I examined the financial data</p> <p>10 concerning the construction of the camp or the</p> <p>11 purchase of the camp, the running of the camp,</p> <p>12 the food of the camps. I think it is normal</p> <p>13 business operations when you provide a</p> <p>14 facility that you pay for the expenses of the</p> <p>15 facility and over time you pay for the costs</p> <p>16 of the facility. That is like in a rental</p> <p>17 apartment. So yes, it seemed this policy was</p> <p>18 consistent with building something and renting</p> <p>19 it.</p> <p>20 Q. This was a capital cost investment</p> <p>21 made by Signal, right, to build the camps?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. They invested capital to build</p> <p>25 this, yes.</p> |
| <p style="text-align: right;">Page 204</p> <p>1 Shelley</p> <p>2 Q. Was there accounting treatment of</p> <p>3 it as a capital cost?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. I am not looking at how they</p> <p>7 categorized this operation other than to know</p> <p>8 that they put considerable amount of money</p> <p>9 into building these, in purchasing these</p> <p>10 facilities.</p> <p>11 Q. Did you look at any of the</p> <p>12 financial records on the accounting treatment</p> <p>13 by Signal for the cost of the man camps?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. I looked at many financial records</p> <p>17 concerning the man camps, yes.</p> <p>18 Q. Did that include their accounting</p> <p>19 treatment of the man camps?</p> <p>20 A. If you call it the accounting</p> <p>21 treatment, I looked at the accounting records.</p> <p>22 How the accountant chose to classify them is</p> <p>23 not a question of accounting treatment, I</p> <p>24 looked at the financials concerning the man</p> <p>25 camps.</p> | <p style="text-align: right;">Page 205</p> <p>1 Shelley</p> <p>2 Q. You know enough as you have told</p> <p>3 me you reviewed financial records and all your</p> <p>4 experience that if a company treats something</p> <p>5 in a certain way as an accounting matter there</p> <p>6 are tax ramifications. So that the net costs</p> <p>7 to the company after tax considerations like</p> <p>8 depreciation and things like that is different</p> <p>9 than their gross outlay for the capital costs.</p> <p>10 Do you know or don't you?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. I know that there are complex tax</p> <p>14 implications of all of this. I did not go</p> <p>15 through all the tax implications, but I</p> <p>16 reviewed financial records.</p> <p>17 Q. Is it fair to say that you learned</p> <p>18 enough about the man camps issue to determine</p> <p>19 that costs to Signal was at least one of the</p> <p>20 factors they made to determine whether and</p> <p>21 when to purchase more trailers for the man</p> <p>22 camps?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. That I can't say. I can say that</p> |

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| <p style="text-align: right;">Page 206</p> <p>1 Shelley</p> <p>2 I know that costs to Signal was a factor</p> <p>3 affecting the operation of the man camps.</p> <p>4 Q. Was it also a factor affecting</p> <p>5 Signal's decision making with respect to the</p> <p>6 man camps?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. After a capital investment like</p> <p>10 any business any decision affects this. But</p> <p>11 the idea as someone had written about that</p> <p>12 this was a profit center for Signal is not the</p> <p>13 case.</p> <p>14 Q. I don't want to argue about how</p> <p>15 you define profits, but let's take a</p> <p>16 hypothetical. If a landlord buys a building</p> <p>17 and he charges his tenants \$1,000 a month for</p> <p>18 each apartment in the building, and the costs</p> <p>19 of the upkeep of the building and the taxes</p> <p>20 for the building and everything else run about</p> <p>21 \$500 a month, would you call that \$500</p> <p>22 additional rental payment paid by each</p> <p>23 apartment tenant profits?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> | <p style="text-align: right;">Page 207</p> <p>1 Shelley</p> <p>2 Q. And I am adding to the</p> <p>3 hypothetical that the landlord put in a</p> <p>4 capital investment to buy the property, but</p> <p>5 would you or would you not characterize the</p> <p>6 rental above operating costs as profit?</p> <p>7 A. You would look at it as net</p> <p>8 revenue flow. But whether it is a profit</p> <p>9 depends on depreciation scale, depreciation,</p> <p>10 investment, rate of borrowing costs.</p> <p>11 Q. Did you look at that in connection</p> <p>12 with Signal's accounting for the man camps to</p> <p>13 determine if in fact they made a profit or</p> <p>14 stood to make a profit if the man camps</p> <p>15 remained full for a three year period as they</p> <p>16 projected?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. I looked at the period in which</p> <p>20 they were in residence there, and they were</p> <p>21 not making a profit.</p> <p>22 Q. Do you know what their projections</p> <p>23 were for the three year period they projected</p> <p>24 the man camps to be full?</p> <p>25 A. I saw some figures on this, but</p> |
| <p style="text-align: right;">Page 208</p> <p>1 Shelley</p> <p>2 this was a hypothetical and not a question of</p> <p>3 what actually happened.</p> <p>4 Q. How long after the extra trailers</p> <p>5 were actually ordered did they arrive?</p> <p>6 A. It took a period for them because</p> <p>7 there was a lot of pressure on trailers at</p> <p>8 that time with post Hurricane Katrina. So I</p> <p>9 am not exactly sure, but it was not</p> <p>10 immediately.</p> <p>11 Q. So for how many months were the</p> <p>12 workers in the Mississippi camp living in</p> <p>13 conditions that Signal's CEO Richard Marler in</p> <p>14 October of 2006 had determined was</p> <p>15 insufficient?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. You are mixing two points. He</p> <p>19 didn't say that they were insufficient. He</p> <p>20 said that he wanted to do better by his</p> <p>21 workers. He didn't say that they were</p> <p>22 insufficient.</p> <p>23 Q. Have you read his transcript of</p> <p>24 his deposition?</p> <p>25 A. I have read some of it.</p> | <p style="text-align: right;">Page 209</p> <p>1 Shelley</p> <p>2 Q. Did you read the questions I asked</p> <p>3 him about this exact document?</p> <p>4 A. No, I have not read that.</p> <p>5 Q. You didn't read about how upset he</p> <p>6 was when he found out that the trailers had</p> <p>7 not been ordered?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. I learned from him that he was</p> <p>11 upset that there was not faster that the</p> <p>12 trailers arrived and that there was not better</p> <p>13 housing for the workers. That much I know.</p> <p>14 Whether I read it in a deposition, whether I</p> <p>15 spoke to him, but what you are telling me I am</p> <p>16 aware of.</p> <p>17 Q. Now you testified that you visited</p> <p>18 the camps and that informed your views of the</p> <p>19 adequacy of the housing, the trailers in the</p> <p>20 Mississippi camp, am I correct about that?</p> <p>21 A. That is one of the factors that I</p> <p>22 used.</p> <p>23 Q. When did you visit the camp?</p> <p>24 A. I visited there in July, but I</p> <p>25 also saw videos from the period of residence.</p> |

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| <p style="text-align: right;">Page 210</p> <p>1 Shelley</p> <p>2 Q. I will get to the videos in a</p> <p>3 moment. But just to be clear your physical</p> <p>4 visit to the trailers was in July of 2014;</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And they had all been refurbished</p> <p>8 to become two-man apartments; I think each</p> <p>9 trailer had been refurbished to be two two-man</p> <p>10 apartments?</p> <p>11 A. No.</p> <p>12 Q. They had not in July?</p> <p>13 A. No.</p> <p>14 Q. So if Mr. Marler, or I am sorry</p> <p>15 Mr. Bingle testified that that was the case,</p> <p>16 he was wrong about that?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. I don't know what he testified,</p> <p>20 but not all the trailers were in use.</p> <p>21 Q. Did you visit trailers that had 12</p> <p>22 bunk beds, 24 beds in them?</p> <p>23 A. I visited trailers that had at one</p> <p>24 time had held 24 beds.</p> <p>25 Q. What did they look like when you</p> | <p style="text-align: right;">Page 211</p> <p>1 Shelley</p> <p>2 visited them?</p> <p>3 A. They were disassembled.</p> <p>4 Q. Empty?</p> <p>5 A. No.</p> <p>6 Q. What was in them?</p> <p>7 A. Wood, pieces of equipment. There</p> <p>8 were things in them.</p> <p>9 Q. Now when you say you saw videos of</p> <p>10 camps in residence, you mentioned a Texas</p> <p>11 video in 2008?</p> <p>12 A. Yes.</p> <p>13 Q. Was that when the camp was in use</p> <p>14 by the Indian H-2B workers?</p> <p>15 A. No, it was shortly after. I also</p> <p>16 saw videos when the facilities still had the</p> <p>17 bunk beds.</p> <p>18 Q. Where did you see those videos?</p> <p>19 A. I was provided them. I also saw</p> <p>20 videos of people on the upper tier of the bunk</p> <p>21 beds.</p> <p>22 MR. HOWARD: Would you mark this</p> <p>23 as Shelley Exhibit 12, photographs.</p> <p>24 (Shelley Exhibit 12, photographs,</p> <p>25 marked for identification, as of this</p> |
| <p style="text-align: right;">Page 212</p> <p>1 Shelley</p> <p>2 date.)</p> <p>3 Q. Before you take a look at that I</p> <p>4 just want clarification as to precisely which</p> <p>5 videos you saw, because you mentioned only the</p> <p>6 Texas camp video from 2008 in your report. So</p> <p>7 what other videos did you see and from what</p> <p>8 source concerning the man camps when they were</p> <p>9 occupied by the Indian H2-B workers?</p> <p>10 A. I had videos that I downloaded</p> <p>11 here, that I was given copies of. No, I have</p> <p>12 them on -- I don't have them here, I have them</p> <p>13 on a CD. I can't tell you.</p> <p>14 Q. Do you know who took them?</p> <p>15 A. Signal had them photographed after</p> <p>16 2007 after the case was initiated.</p> <p>17 Q. So have you seen any video footage</p> <p>18 of the camp from before the case was initiated</p> <p>19 when it was fully occupied by the plaintiffs?</p> <p>20 A. No, I have not seen the video for</p> <p>21 that. I have seen pictures, but not video.</p> <p>22 Q. I am showing you now what has been</p> <p>23 marked as Exhibit 12 which are photos of the</p> <p>24 man camp, two aerial photos of the Mississippi</p> <p>25 man camp. Do those look familiar to you as to</p> | <p style="text-align: right;">Page 213</p> <p>1 Shelley</p> <p>2 the facilities you toured?</p> <p>3 A. Yes.</p> <p>4 Q. Then showing you some still</p> <p>5 pictures from the camps, the inside of a</p> <p>6 trailer. Are these like the pictures that you</p> <p>7 saw?</p> <p>8 A. Yes.</p> <p>9 Q. But you have not seen the videos</p> <p>10 when there were 24 guys in the trailer, is</p> <p>11 that fair to say?</p> <p>12 A. No, I have not seen that.</p> <p>13 Q. And how do the pictures here</p> <p>14 compare to the physical pictures after the</p> <p>15 Indian H2-B workers were gone from the</p> <p>16 facility that you saw those videos, or the</p> <p>17 tour you did of the Mississippi camp in 2014?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. The 2014 camp as I said to you was</p> <p>21 disassembled in some of them. So you have</p> <p>22 some elements of this. The photos that I have</p> <p>23 seen were not in color, so I don't have the</p> <p>24 spreads or things like that. But they are not</p> <p>25 that different.</p> |

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| <p style="text-align: right;">Page 214</p> <p>1 Shelley</p> <p>2 Q. Now you have testified a lot about</p> <p>3 the workers who went to the Middle East, Saudi</p> <p>4 Arabia, also to UAE. Have you ever personally</p> <p>5 yourself toured housing facilities for foreign</p> <p>6 skilled workers such as welders and pipe</p> <p>7 fitters in those countries?</p> <p>8 A. I have not toured them. I have</p> <p>9 read descriptions of them. I have worked with</p> <p>10 colleagues who have done this. I have seen</p> <p>11 them like I have seen this, you know.</p> <p>12 Q. To your understanding based on</p> <p>13 these secondary sources how do these living</p> <p>14 conditions compare to the living conditions in</p> <p>15 Saudi Arabia and the UAE?</p> <p>16 A. The conditions in Saudi Arabia are</p> <p>17 abysmal. In other parts of the Gulf they are</p> <p>18 absolutely awful. I know diplomats who had to</p> <p>19 do reporting on this issue who have had</p> <p>20 servants who have previously -- people who</p> <p>21 worked with them who previously lived in these</p> <p>22 facilities. They are massive and go on</p> <p>23 forever and are awful.</p> <p>24 Q. Does that in any way inform your</p> <p>25 opinions in this case that the housing</p> | <p style="text-align: right;">Page 215</p> <p>1 Shelley</p> <p>2 provided in the man camps by Signal for the</p> <p>3 Indian H2-B workers for \$1,065 per month per</p> <p>4 man were sufficient and adequate?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. First of all the workers were not</p> <p>8 paying 1,050 a month just for housing, it</p> <p>9 included food and transport. The fact that</p> <p>10 workers have said that they never lived worse</p> <p>11 than at Signal very much affects my judgment</p> <p>12 having known these incredible experts that</p> <p>13 worked on this issue in the Middle East.</p> <p>14 Q. So based on your understanding of</p> <p>15 what these other experts have done you doubt</p> <p>16 the truthfulness of the plaintiffs in this</p> <p>17 case when they say that they lived in</p> <p>18 apartments in Singapore or UAE or Saudi Arabia</p> <p>19 that were three or four guys to an apartment</p> <p>20 and were a lot nicer than living in 24 guys to</p> <p>21 a trailer in this man camp?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. I have -- how do I say it. I also</p> <p>25 have seen some of these camps in Russia where</p> |
| <p style="text-align: right;">Page 216</p> <p>1 Shelley</p> <p>2 they have been, you didn't ask me about that.</p> <p>3 And the conditions are not what they are</p> <p>4 describing. These are not -- they are not</p> <p>5 providing you an accurate description of how</p> <p>6 they are living in these countries.</p> <p>7 Q. That is your opinion?</p> <p>8 A. Yes.</p> <p>9 Q. Now is it also your opinion based</p> <p>10 on what you have seen, the video of the camp</p> <p>11 from 2008 in Texas, your tour of the camp in</p> <p>12 2014, and some pictures that were shown to you</p> <p>13 in black and white, that the housing</p> <p>14 facilities in the man camps when they had 24</p> <p>15 Indian workers living in each trailer were</p> <p>16 perfectly fine?</p> <p>17 A. I am not saying that they are</p> <p>18 perfectly fine, but they meet standards that</p> <p>19 are -- they meet let's say -- they are</p> <p>20 facilities that are used by other people in</p> <p>21 other situations, both in the United States</p> <p>22 and overseas.</p> <p>23 Q. When you say in the United States</p> <p>24 who are you referring to?</p> <p>25 A. Some of these neighboring</p> | <p style="text-align: right;">Page 217</p> <p>1 Shelley</p> <p>2 facilities in which there were workers that</p> <p>3 came from elsewhere were using much lower</p> <p>4 grade, what do you call these, trailers, than</p> <p>5 what was being used at Signal.</p> <p>6 Q. Do you agree or disagree that the</p> <p>7 housing that Signal provided to the Indian</p> <p>8 H2-B workers should have been up to standards</p> <p>9 that any American worker would have been happy</p> <p>10 to live in as opposed to choosing a standard</p> <p>11 based on what living conditions are in India</p> <p>12 or in other countries abroad?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. Let us look at the conditions of</p> <p>16 what post Katrina Louisiana was like.</p> <p>17 Q. Well it is Mississippi we are</p> <p>18 talking about.</p> <p>19 A. I mean Mississippi, Louisiana and</p> <p>20 the Gulf coast, and this is the reason that</p> <p>21 the workers were able to get H-2B visas, is</p> <p>22 because the conditions were acute in that</p> <p>23 region. Therefore American workers were not</p> <p>24 having conditions that were what they would</p> <p>25 like to live in at that time. In fact most of</p> |

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| <p style="text-align: right;">Page 218</p> <p>1 Shelley</p> <p>2 the people that I have interviewed at Signal</p> <p>3 lost their homes and were living in miserable</p> <p>4 temporary housing. So nobody had good</p> <p>5 housing.</p> <p>6 This was a trauma, it was a trauma</p> <p>7 for all these people that they lost their</p> <p>8 homes and there was not good housing for them.</p> <p>9 And the FEMA facilities that Americans were</p> <p>10 living in have been shown to be very</p> <p>11 dangerous. So we are not talking about some</p> <p>12 ideal conditions of American life for anybody</p> <p>13 in this region.</p> <p>14 Q. But we are talking about</p> <p>15 conditions in which workers who had to pay two</p> <p>16 years of salary and go into incredible debt</p> <p>17 and were promised they would get Green Cards</p> <p>18 were transported to Signal and placed in, that</p> <p>19 is what we are talking about; right?</p> <p>20 A. This is the housing that was</p> <p>21 available. There was not good housing</p> <p>22 available for anyone in this region.</p> <p>23 Q. Signal could have made the</p> <p>24 decision to let these workers try and find</p> <p>25 housing outside of Signal's facility if they</p> | <p style="text-align: right;">Page 219</p> <p>1 Shelley</p> <p>2 could; they could have made that decision,</p> <p>3 couldn't they have?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. In order to live in off facility</p> <p>7 in an environment in which as I cite in my</p> <p>8 report there was almost no housing available</p> <p>9 for Americans, how is somebody with a nine</p> <p>10 month visa to stay in the United States, with</p> <p>11 no record of payment history, no transport,</p> <p>12 they did not have cars, they don't have</p> <p>13 driver's licenses, how are they going to get</p> <p>14 to work?</p> <p>15 Q. Signal could have said all those</p> <p>16 things to the workers and said but go, you are</p> <p>17 free if you want and can find a place to work,</p> <p>18 go ahead. And you don't have to live in the</p> <p>19 camps and you don't have to pay us the \$1,050</p> <p>20 a month. Signal could have said that and</p> <p>21 maybe the workers would have said you know you</p> <p>22 are right, we will stay here. They didn't</p> <p>23 give them that option, did they?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> |
| <p style="text-align: right;">Page 220</p> <p>1 Shelley</p> <p>2 A. They didn't have that option, but</p> <p>3 if they had that option and were spending</p> <p>4 their time looking for housing, which would</p> <p>5 have been so hard to find, they would not have</p> <p>6 been able to accumulate the hours and the</p> <p>7 overtime that they so needed to pay off their</p> <p>8 debt. So, you know, you are talking to me at</p> <p>9 one time of their enormous debt and how they</p> <p>10 need to pay this off, and at the second time</p> <p>11 you have a question of people having housing</p> <p>12 that is close to their work site so when there</p> <p>13 is work available they can be making time and</p> <p>14 a half on overtime and paying off their debt.</p> <p>15 Q. If one of the Signal Indian H-2B</p> <p>16 workers is working on a crew with an American</p> <p>17 worker and they become friendly and the</p> <p>18 American worker says I have a two bedroom</p> <p>19 apartment, my roommate moved out, it is \$300 a</p> <p>20 month, why don't you move in with me, we will</p> <p>21 drive to work together. In that event, and</p> <p>22 that worker goes to Signal and says I am</p> <p>23 moving out of the camp and moving in with my</p> <p>24 buddy John, and they say fine, but you are</p> <p>25 still going to pay the 1,050 a month to us.</p> | <p style="text-align: right;">Page 221</p> <p>1 Shelley</p> <p>2 You have to pay it and John doesn't; is that</p> <p>3 right?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. That is not the conditions of</p> <p>7 trafficking. That may be something that is a</p> <p>8 question of equal treatment, but that is not a</p> <p>9 provision of trafficking of whether somebody</p> <p>10 chooses to move into housing. But there was</p> <p>11 almost no housing to move into.</p> <p>12 Q. What study have you done of the</p> <p>13 housing that was available in Pascagoula,</p> <p>14 including right across the street from Signal,</p> <p>15 in the period of November 2006 through March</p> <p>16 of 2007?</p> <p>17 A. I have read the comprehensive Rand</p> <p>18 report done for the Gulf coast region,</p> <p>19 including Pascagoula. I have been to downtown</p> <p>20 Pascagoula which was decimated, and I have</p> <p>21 looked at the -- because today's Pascagoula is</p> <p>22 different from what Pascagoula was like six</p> <p>23 years ago. And if you look at what we are</p> <p>24 finding about, and looking at the UCR</p> <p>25 statistics for Pascagoula and Moss Point, you</p> |

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| <p style="text-align: right;">Page 222</p> <p>1 Shelley</p> <p>2 are dealing with highly criminalized regions</p> <p>3 in which there are rates of victimization for</p> <p>4 both property and violent crime that are a</p> <p>5 multiple of the national average.</p> <p>6 Q. And you reference that in your</p> <p>7 opinions, and I am trying to understand why</p> <p>8 that is relevant to your opinions. You are</p> <p>9 saying that that is a justification for Signal</p> <p>10 telling these workers from India you have to</p> <p>11 live on our facility in these trailers?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. If you are bringing people to a</p> <p>15 very dangerous environment, and that is what</p> <p>16 Pascagoula and Moss Point were after Katrina,</p> <p>17 then I think that it is important to consider</p> <p>18 the welfare of your workers. And to have</p> <p>19 people who do not understand the environment</p> <p>20 and do not understand the threats that they</p> <p>21 face and say that this is a coercive response</p> <p>22 is not appropriate.</p> <p>23 Q. I understand your opinion. You</p> <p>24 also give the opinion based on among other</p> <p>25 things going to a restaurant. Do I understand</p> | <p style="text-align: right;">Page 223</p> <p>1 Shelley</p> <p>2 the restaurant in New Orleans was run by the</p> <p>3 same caterer who --</p> <p>4 A. Anjay, yes. A-N-J-A-Y.</p> <p>5 Q. And you concluded that the food</p> <p>6 was adequate in quantity and was nutritional</p> <p>7 with fresh fruit and needed food groups</p> <p>8 represented according to the menu. Did you</p> <p>9 look at any of the records of what Signal</p> <p>10 employees internally were saying about the</p> <p>11 kitchen and dining facilities in the Texas and</p> <p>12 Mississippi man camps at the time the Indian</p> <p>13 H2-B workers were there?</p> <p>14 A. Certainly.</p> <p>15 Q. I will show you what was marked as</p> <p>16 Exhibit 11. I want to know is this one of the</p> <p>17 documents that you have seen.</p> <p>18 For the record it is E-mails from</p> <p>19 June of 2007, Bates SIGE 0048939 to 40. Have</p> <p>20 you seen these E-mails before?</p> <p>21 A. I have not seen these, I have seen</p> <p>22 others concerning the food situation.</p> <p>23 Q. June 14, 2007, Lewis Harky writes</p> <p>24 to Lisa Spears: I pray that the Texas health</p> <p>25 department doesn't show up. They will shut</p> |
| <p style="text-align: right;">Page 224</p> <p>1 Shelley</p> <p>2 this place down immediately.</p> <p>3 On June 13, 2007 Lisa Spears</p> <p>4 writes to Rodney Meisetschlaeger: Rodney,</p> <p>5 several months back I toured the man camps to</p> <p>6 find disgusting cooking facilities. I brought</p> <p>7 this to the attention of Tom -- and I will</p> <p>8 represent that is Tom Rigalo, the head of the</p> <p>9 Texas facility -- who indicated he would take</p> <p>10 care of it. When Colline was out there last</p> <p>11 week I asked her to go to the man camp kitchen</p> <p>12 to verify this had been done. As you can see</p> <p>13 from the attached forwards it remains</p> <p>14 disgusting.</p> <p>15 Did these E-mails concern you at</p> <p>16 all about what the conditions were like in the</p> <p>17 Texas kitchen facilities in the man camps?</p> <p>18 A. Yes, and I asked questions about</p> <p>19 what they did. I asked Anjay questions about</p> <p>20 what was being done to try and alleviate these</p> <p>21 conditions.</p> <p>22 Q. Did you talk to Lisa Spears?</p> <p>23 A. I didn't talk to her about this.</p> <p>24 Q. Did you read her deposition in the</p> <p>25 case?</p> | <p style="text-align: right;">Page 225</p> <p>1 Shelley</p> <p>2 A. No.</p> <p>3 Q. Did you talk to Rodney</p> <p>4 Meisetschlaeger?</p> <p>5 A. Yes.</p> <p>6 Q. What did he tell you about the</p> <p>7 conditions in the Texas dining facilities; did</p> <p>8 he agree they were disgusting?</p> <p>9 A. I think that there were periods in</p> <p>10 which there were serious problems in the</p> <p>11 facilities, and there were efforts by Signal</p> <p>12 to rectify them. That is what I understood</p> <p>13 from some of my questions.</p> <p>14 Q. At least according to Lisa Spears</p> <p>15 for months nothing happened; correct?</p> <p>16 A. I cannot say, this is the first</p> <p>17 time that I am seeing this. So I cannot say</p> <p>18 anything more on this than what I am reading</p> <p>19 now.</p> <p>20 Q. Professor Shelley, in your expert</p> <p>21 report at page 3, paragraph 4 you state that:</p> <p>22 You have served as an expert witness in many</p> <p>23 asylum cases in the last twenty years and I</p> <p>24 have also served as an expert witness in</p> <p>25 complex litigation cases.</p> |

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| <p style="text-align: right;">Page 226</p> <p>1 Shelley</p> <p>2 What kinds of complex litigation</p> <p>3 cases have you served as an expert witness in?</p> <p>4 A. I have served in litigation</p> <p>5 concerning my other areas of expertise which</p> <p>6 concerns privatization in Russia, problems of</p> <p>7 rule of law.</p> <p>8 Q. Have you served as an expert</p> <p>9 witness in any litigation case involving</p> <p>10 forced labor or human trafficking?</p> <p>11 A. No.</p> <p>12 Q. Have you ever given an expert</p> <p>13 report in any litigation involving forced</p> <p>14 labor or human trafficking?</p> <p>15 A. No.</p> <p>16 Q. I believe according to the letter</p> <p>17 that we got that you have not testified at</p> <p>18 trial or by deposition during the previous</p> <p>19 four years; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. Have you ever previously testified</p> <p>22 at a trial or at a deposition?</p> <p>23 A. No, I have never done a deposition</p> <p>24 before. I have testified once in a trial.</p> <p>25 Q. And what did that trial involve</p> | <p style="text-align: right;">Page 227</p> <p>1 Shelley</p> <p>2 and when was it?</p> <p>3 A. It was in Los Angeles. It must</p> <p>4 have been at least six years ago. It was</p> <p>5 about a case concerning privatization.</p> <p>6 Q. Russian privatization?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know how you came to the</p> <p>9 attention or how the contact was made between</p> <p>10 you and Signal or its attorneys to be engaged</p> <p>11 as an expert in this matter?</p> <p>12 A. Absolutely.</p> <p>13 Q. How was that?</p> <p>14 A. The law firm went to the library</p> <p>15 and read the books on human trafficking for</p> <p>16 two weeks and found mine the most analytical</p> <p>17 and contacted me.</p> <p>18 Q. Had you ever heard of them or</p> <p>19 worked with them before?</p> <p>20 A. Never.</p> <p>21 Q. That is all I have, let's take a</p> <p>22 break and I will turn it over to Ivy. I thank</p> <p>23 you for your patience with me today.</p> <p>24 (Recess taken.)</p> <p>25 EXAMINATION BY</p> |
| <p style="text-align: right;">Page 228</p> <p>1 Shelley</p> <p>2 MS. SURIYOPAS:</p> <p>3 Q. Good afternoon Professor Shelley,</p> <p>4 back on the record.</p> <p>5 My name is Ivy Suriyopas, I am an</p> <p>6 attorney for the plaintiffs, I work at the</p> <p>7 Asian American Legal Defense and Education</p> <p>8 Fund, and I will do my best to go through the</p> <p>9 remaining time that we have together as</p> <p>10 quickly as possible.</p> <p>11 A. Thank you.</p> <p>12 Q. Can you tell me who, in terms of</p> <p>13 your background in trying to learn more about</p> <p>14 trafficking, who have you interviewed to</p> <p>15 further your understanding of the subject?</p> <p>16 A. I have worked on human trafficking</p> <p>17 for over two decades. I have been on every</p> <p>18 continent but Australia. I have interviewed</p> <p>19 activists on human trafficking. As I wrote in</p> <p>20 reference to this case in India I worked with</p> <p>21 one of the leading human rights activists on</p> <p>22 India. I have worked with her for months for</p> <p>23 AID. I have interviewed Indian activists</p> <p>24 against child labor and labor trafficking. I</p> <p>25 have been in the Middle East, I have been in</p> | <p style="text-align: right;">Page 229</p> <p>1 Shelley</p> <p>2 Russia, I have been in Singapore.</p> <p>3 I don't want to go through I have</p> <p>4 been there, I have been there, but I can go</p> <p>5 through if you want to have me talk about</p> <p>6 every place in the world that I have been. I</p> <p>7 have been in Latin America. I have been in</p> <p>8 Asia on this. I have spoken to NGO's. I have</p> <p>9 been an expert. I have worked with OECD,</p> <p>10 which is the Organization For European</p> <p>11 Cooperation and Development, where I have been</p> <p>12 a speaker at conferences and met people doing</p> <p>13 work against human trafficking. Whether it is</p> <p>14 from the financial sector where you are</p> <p>15 learning how to mine data to look for sex</p> <p>16 trafficking, to whether it is prosecutors of</p> <p>17 cases. I have sometimes met victims of human</p> <p>18 trafficking, survivors I should say of human</p> <p>19 trafficking.</p> <p>20 Q. For the victims of human</p> <p>21 trafficking what types of human trafficking</p> <p>22 have these victims that you interviewed</p> <p>23 suffered from?</p> <p>24 A. Labor trafficking and sex</p> <p>25 trafficking.</p> |

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| <p style="text-align: right;">Page 230</p> <p>1 Shelley</p> <p>2 Q. In what industries did they work?</p> <p>3 A. Sex trafficking, they worked at</p> <p>4 all levels of sex trafficking, from street,</p> <p>5 you know, from women on the street to call</p> <p>6 girls. And in labor trafficking primarily in</p> <p>7 the farming industry.</p> <p>8 Q. Have you talked to H-2B workers in</p> <p>9 your group of interviewees for victims of</p> <p>10 trafficking?</p> <p>11 A. I have talked to H-2B workers in</p> <p>12 this case at Signal whose colleagues have</p> <p>13 alleged they have been trafficked.</p> <p>14 Q. But you have not talked to H-2B</p> <p>15 workers who have alleged trafficking; is that</p> <p>16 correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Including the plaintiffs in this</p> <p>19 case; is that correct?</p> <p>20 A. I have not had access to them.</p> <p>21 Q. And in terms of the countries that</p> <p>22 you listed in your report including the United</p> <p>23 Arab Emirates where you have talked about the</p> <p>24 conditions for workers in that country, did</p> <p>25 you talk to the previous employers of the</p> | <p style="text-align: right;">Page 231</p> <p>1 Shelley</p> <p>2 plaintiffs?</p> <p>3 A. No.</p> <p>4 Q. Have you talked to any of the</p> <p>5 plaintiffs' previous employers?</p> <p>6 A. No because the identities and</p> <p>7 almost everything about the plaintiffs has</p> <p>8 been hidden from this side. So there has been</p> <p>9 no possibility to follow up on where they</p> <p>10 worked before. Almost everything in this</p> <p>11 case, that kind of information has been</p> <p>12 anonymized.</p> <p>13 MS. SURIYOPAS: Would you mark</p> <p>14 this document as Shelley Exhibit 13,</p> <p>15 Expert Report of Florence Burke.</p> <p>16 (Shelley Exhibit 13, Expert Report</p> <p>17 of Florence Burke, marked for</p> <p>18 identification, as of this date.)</p> <p>19 Q. Before I ask you questions about</p> <p>20 the exhibit before you I have one more</p> <p>21 question about the identities of the clients</p> <p>22 in this case. You have seen the names of the</p> <p>23 plaintiffs in the complaint, is that not</p> <p>24 correct?</p> <p>25 A. Correct.</p> |
| <p style="text-align: right;">Page 232</p> <p>1 Shelley</p> <p>2 Q. You have also seen the names of</p> <p>3 the plaintiffs in the other cases outside of</p> <p>4 the David case; is that correct?</p> <p>5 A. I have seen the names of many</p> <p>6 plaintiffs.</p> <p>7 Q. So you in fact do know the</p> <p>8 identities of the plaintiffs in the cases</p> <p>9 against Signal; is that correct?</p> <p>10 A. Yes. But anything more than that</p> <p>11 such as you asked if I have spoken to their</p> <p>12 former employers, that I would not know.</p> <p>13 Q. But it is correct that they</p> <p>14 have -- the identities of the plaintiffs have</p> <p>15 not been anonymized as you characterize it?</p> <p>16 A. No, but the identities of where</p> <p>17 they worked and much of their background that</p> <p>18 would allow me to do this kind of analysis</p> <p>19 have been anonymized.</p> <p>20 Q. In front of you is what has been</p> <p>21 make as Exhibit 13. Have you seen this</p> <p>22 document?</p> <p>23 A. Of course.</p> <p>24 Q. And in your analysis of your</p> <p>25 report you go into great detail analyzing</p> | <p style="text-align: right;">Page 233</p> <p>1 Shelley</p> <p>2 Ms. Burke's report that was submitted on</p> <p>3 behalf of the plaintiffs in these cases; is</p> <p>4 that correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Can I direct your attention to</p> <p>7 paragraph 25. I might have mislabelled this,</p> <p>8 excuse me. I think I mis-marked the</p> <p>9 paragraph, so I will come back to that</p> <p>10 question.</p> <p>11 Your earlier testimony you --</p> <p>12 A. Can you tell me where you are</p> <p>13 looking?</p> <p>14 Q. I need to review the -- I have the</p> <p>15 wrong paragraph marked, I apologize.</p> <p>16 A. Okay.</p> <p>17 Q. In your earlier testimony you</p> <p>18 listed the factors that are involved in</p> <p>19 trafficking; is that correct?</p> <p>20 MR. ROUX: Objection as to the</p> <p>21 form.</p> <p>22 Q. Let me rephrase.</p> <p>23 Did you list in your earlier</p> <p>24 testimony factors that you see in many cases</p> <p>25 of human trafficking?</p> |

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| <p style="text-align: right;">Page 234</p> <p>1 Shelley</p> <p>2 A. I wouldn't call them -- I listed</p> <p>3 some conditions that I have identified in</p> <p>4 cases of human trafficking.</p> <p>5 Q. And those conditions included the</p> <p>6 pay that the workers are receiving; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Whether or not they were receiving</p> <p>9 benefits?</p> <p>10 A. Yes.</p> <p>11 Q. Whether or not their passports</p> <p>12 were taken?</p> <p>13 A. Yes.</p> <p>14 Q. Whether their mobility was</p> <p>15 restricted?</p> <p>16 A. Yes.</p> <p>17 Q. And whether they experienced</p> <p>18 trauma; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Is that an exhaustive list?</p> <p>21 A. No.</p> <p>22 Q. What are the other conditions?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. I mean one of the conditions is</p> | <p style="text-align: right;">Page 235</p> <p>1 Shelley</p> <p>2 whether people have been exposed to extreme</p> <p>3 violence. I mean there are other conditions</p> <p>4 in trafficking, that can exist in sexual</p> <p>5 trafficking or in labor trafficking in which</p> <p>6 people are subjected -- they are made</p> <p>7 disposable people in that they are placed into</p> <p>8 extremely dangerous environments in which they</p> <p>9 are given no protections, in which they are</p> <p>10 given no medical treatment.</p> <p>11 Q. Any other conditions?</p> <p>12 A. I can go on. I mean there are</p> <p>13 many, many kinds of -- you can be subjected to</p> <p>14 sexual abuse.</p> <p>15 Q. Specifically in the labor</p> <p>16 trafficking context, or forced labor rather,</p> <p>17 what other conditions can exist in trafficking</p> <p>18 cases?</p> <p>19 A. What do you mean what --</p> <p>20 Q. In forced labor cases?</p> <p>21 A. In the forced labor cases</p> <p>22 individuals can be compelled to work for long</p> <p>23 hours, they can be given no vacation time, no</p> <p>24 weekends off.</p> <p>25 Q. Anything else?</p> |
| <p style="text-align: right;">Page 236</p> <p>1 Shelley</p> <p>2 A. In forced labor they can be placed</p> <p>3 in a very dangerous work environment. They</p> <p>4 could be coerced in a variety of ways that</p> <p>5 have been laid out in the law.</p> <p>6 Q. Are there any other conditions in</p> <p>7 the forced labor context?</p> <p>8 A. Those are what I would consider</p> <p>9 the primary conditions.</p> <p>10 Q. Now of all the conditions that you</p> <p>11 listed, do all of those conditions need to be</p> <p>12 present for the case to be a forced labor</p> <p>13 case?</p> <p>14 A. Under provision 1589 you can have</p> <p>15 threats or serious harm or physical restraint</p> <p>16 against that person or another person. Means</p> <p>17 of a scheme, plan or pattern intended to cause</p> <p>18 the person to believe that if the person did</p> <p>19 not -- let me read it.</p> <p>20 Section 1589, whoever knowingly</p> <p>21 provides or obtains the labor or services of a</p> <p>22 person, 1, by threats of serious harm to or</p> <p>23 physical restraint against that person or</p> <p>24 another person by means of any scheme, plan or</p> <p>25 pattern intended to cause the person to</p> | <p style="text-align: right;">Page 237</p> <p>1 Shelley</p> <p>2 believe that if the person did not perform</p> <p>3 such labor or services, that person or another</p> <p>4 person would suffer serious harm or physical</p> <p>5 restraint.</p> <p>6 So that is not a -- you can have</p> <p>7 condition 2 or you can have condition 3. So</p> <p>8 it is not and.</p> <p>9 3, by means of the abuse or</p> <p>10 threatened abuse of law or the legal process</p> <p>11 shall be fined under this title or imprisoned</p> <p>12 not more than 20 years or both. If death</p> <p>13 results from the violation of this section, or</p> <p>14 if the violation includes kidnapping or an</p> <p>15 attempt to kidnap, aggravated sexual abuse, or</p> <p>16 the attempt to commit aggravated sexual abuse,</p> <p>17 or an attempt to kill, the defendant shall be</p> <p>18 fined under this title or imprisoned for any</p> <p>19 term of years or life or both.</p> <p>20 That is the conditions of forced</p> <p>21 labor.</p> <p>22 Q. Are you a lawyer?</p> <p>23 A. No.</p> <p>24 Q. Have you gone to law school?</p> <p>25 A. I have taken law courses, but I</p> |

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| <p style="text-align: right;">Page 238</p> <p>1 Shelley</p> <p>2 have not gone to law school.</p> <p>3 Q. Have you taken law courses in the</p> <p>4 United States?</p> <p>5 A. Yes.</p> <p>6 Q. Have you taken law courses in any</p> <p>7 other country?</p> <p>8 A. In Russia.</p> <p>9 Q. Any other country outside of the</p> <p>10 United States and Russia?</p> <p>11 A. No. I have lectured at Law School</p> <p>12 Number 2, the University of Paris, but I have</p> <p>13 not taken classes there.</p> <p>14 Q. Now in the provision that you read</p> <p>15 does it have any requirement about the pay for</p> <p>16 the workers?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. Can you repeat the question?</p> <p>20 Q. In the statute that you just read</p> <p>21 is there any requirement about what the pay</p> <p>22 should be for a victim of forced labor?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. This does not talk, this provision</p> | <p style="text-align: right;">Page 239</p> <p>1 Shelley</p> <p>2 does not talk about pay. But in many cases of</p> <p>3 human trafficking one of the central issues is</p> <p>4 the pay of the workers.</p> <p>5 Q. Does that provision that you just</p> <p>6 read include any conditions about benefits for</p> <p>7 the worker?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. No.</p> <p>11 Q. Does that provision that you just</p> <p>12 read include any language about mobility of</p> <p>13 the victim?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. In the United States as you know</p> <p>17 as a lawyer so much of our law is not just the</p> <p>18 code, but the cases of practice of law, and so</p> <p>19 in many of the cases of human trafficking that</p> <p>20 I have reviewed and read in my life central</p> <p>21 provisions include how much individuals are</p> <p>22 paid, how much they have mobility. So you</p> <p>23 cannot just look at these provisions as</p> <p>24 provisions of code, we are not in New Orleans</p> <p>25 focusing on code, but on precedent and legal</p> |
| <p style="text-align: right;">Page 240</p> <p>1 Shelley</p> <p>2 cases. So I have read a lot of legal cases</p> <p>3 that have informed my opinions as well.</p> <p>4 Q. Are there any provisions in the</p> <p>5 statute that you just read that provide for</p> <p>6 vacation time or time off?</p> <p>7 MR. ROUX: Objection as to the</p> <p>8 form.</p> <p>9 A. This does not provide for this,</p> <p>10 but in many cases in which individuals have</p> <p>11 been prosecuted for human trafficking or in</p> <p>12 which there has been a decision of human</p> <p>13 trafficking individuals have worked for 70</p> <p>14 hours a week without any vacation time. And</p> <p>15 in discussions with key officials in the</p> <p>16 Department of Justice it is one of the key</p> <p>17 components of what they look for in a human</p> <p>18 trafficking case.</p> <p>19 Q. Is it accurate to say that when</p> <p>20 you are examining a human trafficking case you</p> <p>21 have to look at the totality of the</p> <p>22 circumstances?</p> <p>23 A. Absolutely.</p> <p>24 Q. So turning to your report, Exhibit</p> <p>25 1, can you direct your attention to your</p> | <p style="text-align: right;">Page 241</p> <p>1 Shelley</p> <p>2 paragraph number 25?</p> <p>3 MR. ROUX: Is that the David</p> <p>4 report?</p> <p>5 MS. SURIYOPAS: Yes.</p> <p>6 A. Is that the one that starts I now</p> <p>7 turn to the expert witness report?</p> <p>8 Q. Yes?</p> <p>9 A. Yes.</p> <p>10 Q. Is it your opinion that</p> <p>11 Ms. Burke's analysis doesn't reflect the</p> <p>12 contemporary reality of the Indian economy?</p> <p>13 A. That is correct.</p> <p>14 Q. On what basis do you make that</p> <p>15 opinion?</p> <p>16 A. Ms. Burke does not understand much</p> <p>17 about the social situation of the Indian</p> <p>18 workers. She does not show an understanding</p> <p>19 of the regional differences in India. Her</p> <p>20 analysis of debt is focussed much more on</p> <p>21 rural debt, while the situation of these</p> <p>22 workers are individuals of basically the</p> <p>23 middle class in India who are not rural</p> <p>24 workers. They are not farm workers with this</p> <p>25 exception that I mentioned earlier.</p> |

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| <p style="text-align: right;">Page 242</p> <p>1 Shelley</p> <p>2 Q. And how did you come to your</p> <p>3 understanding about the social situation in</p> <p>4 India?</p> <p>5 A. I have been to India. I have read</p> <p>6 much on India. I have worked with Indian</p> <p>7 activists on labor and sex trafficking in</p> <p>8 India. I have a family that is deeply</p> <p>9 connected to India and is very knowledgeable.</p> <p>10 Q. And specifically with respect to</p> <p>11 your understanding of the Indian economy in</p> <p>12 India, how do you have the ability to opine on</p> <p>13 that particular subject?</p> <p>14 A. I am not saying that I am an</p> <p>15 expert on India, but I have done a lot of</p> <p>16 reading. What makes a researcher but somebody</p> <p>17 who can read. I have written on trafficking</p> <p>18 in India in the context of employment, of</p> <p>19 labor, of the growth of the Indian economy.</p> <p>20 Q. Do you consider yourself an expert</p> <p>21 on the Indian economy?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. No. I was hired as an expert on</p> <p>25 human trafficking, not as an expert on the</p> | <p style="text-align: right;">Page 243</p> <p>1 Shelley</p> <p>2 Indian economy.</p> <p>3 Q. Do you consider yourself as an</p> <p>4 expert on the social situation in India?</p> <p>5 A. That is such a broad question. I</p> <p>6 understand elements of Indian society, but it</p> <p>7 is one of the most diverse societies in the</p> <p>8 world.</p> <p>9 Q. And when you stated earlier that</p> <p>10 the plaintiffs are middle class workers, what</p> <p>11 is the basis for your stating that opinion?</p> <p>12 A. I didn't say they are middle</p> <p>13 class, but I am saying that their economic</p> <p>14 situation that they have had with years of</p> <p>15 remittances places them in the middle class.</p> <p>16 One of the things that is particularly telling</p> <p>17 is that one of the statements that I have read</p> <p>18 on the debt burdens of Indian workers,</p> <p>19 yesterday mentioned that about 8 percent --</p> <p>20 she was deposed yesterday, that about 8</p> <p>21 percent of Indians have access to the banking</p> <p>22 system.</p> <p>23 In reading through the T visa</p> <p>24 applications that I have had the opportunity</p> <p>25 to read quite a number of them have expressed</p> |
| <p style="text-align: right;">Page 244</p> <p>1 Shelley</p> <p>2 the ability to borrow money from banks. That</p> <p>3 tells you something because a very small</p> <p>4 percentage of the Indian population has income</p> <p>5 levels sufficient to have access to the</p> <p>6 banking system. And therefore when many of</p> <p>7 them have secured some of the money that they</p> <p>8 needed to pay the recruiter through loans from</p> <p>9 banks, this shows where they stand in the</p> <p>10 Indian social system.</p> <p>11 Q. And what makes you think that all</p> <p>12 of their loans are from banks?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. I did not say that. I said that a</p> <p>16 component that in reading the T visa's many of</p> <p>17 them -- of the ones that I had access to many</p> <p>18 of them explained that they had borrowed some</p> <p>19 of their money from banks. That tells you</p> <p>20 where they stand in the Indian economic system</p> <p>21 that they have access to the banking system</p> <p>22 and are deemed credible from a bank to receive</p> <p>23 a loan.</p> <p>24 Q. But you don't know that from</p> <p>25 independently verifying what their economic</p> | <p style="text-align: right;">Page 245</p> <p>1 Shelley</p> <p>2 status is; is that correct?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. In their incomes and with their T</p> <p>6 visa statements where they talk about what</p> <p>7 their pay is in the Middle East, in analyses</p> <p>8 that I have read, and two thirds of the</p> <p>9 workers came from Kerala, there is a lot of</p> <p>10 discussion of migration and income status in</p> <p>11 relation to Kerala. One of my colleagues in</p> <p>12 my department is a specialist on</p> <p>13 organizational management and development in</p> <p>14 my school, he is from Kerala. We have had</p> <p>15 also discussions on migration, income, status</p> <p>16 of workers. Kerala has one of the highest</p> <p>17 paid, or most educated work force in India</p> <p>18 because of the generally low levels of</p> <p>19 corruption in the Kerala government, and</p> <p>20 therefore has had higher worker incomes.</p> <p>21 Q. So you are extrapolating this</p> <p>22 information, this is not based on actually</p> <p>23 looking at the financial records of the</p> <p>24 workers in this particular case; is that</p> <p>25 correct?</p> |

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| <p style="text-align: right;">Page 246</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. I have not had access to the</p> <p>5 financial records of the workers other than</p> <p>6 what they have said in their T visa</p> <p>7 statements. But when they have talked in</p> <p>8 their T visa statements of what assets that</p> <p>9 they have had and what they have earned, then</p> <p>10 it gives you a picture of where they stand</p> <p>11 which is totally consistent with what one</p> <p>12 reads from other statements of what workers</p> <p>13 are earning overseas, that a welder makes a</p> <p>14 thousand dollars a month in UAE, and they have</p> <p>15 reported that they have this. So their</p> <p>16 statements are totally consistent in that</p> <p>17 respect.</p> <p>18 Q. When you testified earlier about</p> <p>19 the man camps in which the plaintiffs have</p> <p>20 resided and you opined about -- in your report</p> <p>21 about how housing prices for non-citizens were</p> <p>22 not necessarily higher than for the plaintiffs</p> <p>23 in this case. What is the basis for -- what</p> <p>24 expertise in economics do you have for the</p> <p>25 region?</p> | <p style="text-align: right;">Page 247</p> <p>1 Shelley</p> <p>2 A. For what region?</p> <p>3 Q. For Pascagoula?</p> <p>4 A. As you can see from my footnotes</p> <p>5 on expenses, on page I believe 29, I looked at</p> <p>6 typical percentage budget, household budgets</p> <p>7 for that period. So that was a general</p> <p>8 statement. Then I went to this more specific</p> <p>9 report published by Rand, which is funded by</p> <p>10 the local communities there, very</p> <p>11 comprehensive report on post Katrina recovery</p> <p>12 of the housing market along the Mississippi</p> <p>13 Gulf coast. In reading through that report</p> <p>14 carefully I looked at data on what people were</p> <p>15 spending as their percentage of income in</p> <p>16 Jackson County where Pascagoula is located,</p> <p>17 and I looked at what the difference is of</p> <p>18 expenditures for people who own housing in</p> <p>19 Jackson County and for people who are renting</p> <p>20 housing in Pascagoula area. So that is how I</p> <p>21 did my research.</p> <p>22 Q. But you are not holding yourself</p> <p>23 out as a housing expert; correct?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> |
| <p style="text-align: right;">Page 248</p> <p>1 Shelley</p> <p>2 A. I am not saying that I am a</p> <p>3 housing expert, but I am a social science</p> <p>4 expert who has done research in many areas of</p> <p>5 social science for over three and a half</p> <p>6 decades, so I know how to do reach. I am in a</p> <p>7 department where half my colleagues are</p> <p>8 economists and work on economic policy, and I</p> <p>9 listen and go to talks all the time on issues</p> <p>10 like this.</p> <p>11 Q. For the report that you cite to in</p> <p>12 your report for these housing statistics, what</p> <p>13 kind of housing does the typical -- what kind</p> <p>14 of housing does the typical resident in this</p> <p>15 region expect to have?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. I do not know exactly what the</p> <p>19 expectation of the housing is, but I can say</p> <p>20 that I interviewed people at Signal about what</p> <p>21 kind of housing there is in Pascagoula, and</p> <p>22 the explanation that many of them were</p> <p>23 commuting 45 minutes away from work because</p> <p>24 the quality of housing in Pascagoula is very</p> <p>25 low, and in Moss Point it is dangerous and</p> | <p style="text-align: right;">Page 249</p> <p>1 Shelley</p> <p>2 low.</p> <p>3 Q. What kind of housing did they live</p> <p>4 in 45 minutes away from Pascagoula?</p> <p>5 A. They said they lived in, you know,</p> <p>6 nice middle class housing. Now, not then.</p> <p>7 Q. I am talking about during the</p> <p>8 relevant time period of 2006 to 2008?</p> <p>9 A. Many of them had their homes</p> <p>10 destroyed. Some of them were living in pup</p> <p>11 tents.</p> <p>12 Q. And for the Signal staff that did</p> <p>13 have housing in the region during the relevant</p> <p>14 time period, what kind of housing did they</p> <p>15 have?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. Many of them had their homes</p> <p>19 totally destroyed.</p> <p>20 Q. I am asking for the sub group of</p> <p>21 Signal staff that did have housing?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. I hardly met any of them that had</p> <p>25 their old house preserved.</p> |

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| <p style="text-align: right;">Page 250</p> <p>1 Shelley</p> <p>2 Q. Were any of the Signal staff</p> <p>3 during that time period living in single</p> <p>4 family homes?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I don't know, but some of them</p> <p>8 were actually living in pup tents.</p> <p>9 Q. What is a pup tent?</p> <p>10 A. It is a house, you know, a</p> <p>11 temporary facility that can get blown away.</p> <p>12 Q. And how many people lived in each</p> <p>13 of these pup tents?</p> <p>14 A. Sometimes there would be two</p> <p>15 people that would live in them.</p> <p>16 Q. What was the square footage of the</p> <p>17 pup tent?</p> <p>18 A. That I don't know.</p> <p>19 Q. Did they live, did any of the</p> <p>20 Signal staff live with some of the other</p> <p>21 co-workers?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. Not that I know of, but there were</p> <p>25 many Signal staff that lived, or there were</p> | <p style="text-align: right;">Page 251</p> <p>1 Shelley</p> <p>2 people that lived in FEMA shelters that were</p> <p>3 extremely undesirable, that much I know.</p> <p>4 Q. How much were they paying?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. That I don't know.</p> <p>8 Q. And how much were they paying when</p> <p>9 they were living in pup tent?</p> <p>10 MR. ROUX: Objection as to the</p> <p>11 form.</p> <p>12 A. I don't know what they were</p> <p>13 paying. I know what people were paying at</p> <p>14 this time in the market in this area which was</p> <p>15 31 percent of their income. So I don't -- I</p> <p>16 am not going on what specific people were</p> <p>17 doing, but what the region -- not the region,</p> <p>18 but the exact locale that we are talking</p> <p>19 about, what the general statistics are.</p> <p>20 Q. So for the general statistics what</p> <p>21 kind of housing did these people live in?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. These people were living -- many</p> <p>25 of them were living in extremely bad temporary</p> |
| <p style="text-align: right;">Page 252</p> <p>1 Shelley</p> <p>2 housing. It is traumatic talking to many</p> <p>3 people from this region of what they were</p> <p>4 living in.</p> <p>5 Q. Were they living with two dozen</p> <p>6 other people in the traumatic housing that</p> <p>7 they were living in?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. There was one person who got</p> <p>11 interviewed in a deposition that said she</p> <p>12 would have liked to live in the Indian</p> <p>13 housing, where she was worse.</p> <p>14 Q. That is one person?</p> <p>15 A. Right. I am just saying I can't</p> <p>16 make generalizations, but nobody was living</p> <p>17 well at that time.</p> <p>18 Q. But you were trying to make</p> <p>19 generalizations in your report; is that</p> <p>20 correct?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. If you are doing an analysis of</p> <p>24 how much people spend on their housing, I am</p> <p>25 drawing on statistics that are what qualified</p> | <p style="text-align: right;">Page 253</p> <p>1 Shelley</p> <p>2 specialists in housing have prepared. I can</p> <p>3 tell you having visited Pascagoula even now</p> <p>4 six years after Katrina, there is not a lot of</p> <p>5 good housing there.</p> <p>6 Q. Moving on to paragraph 37 of your</p> <p>7 report. In paragraph 37 you state: In most</p> <p>8 labor trafficking cases where there is concern</p> <p>9 about geographic location there are</p> <p>10 problems on remote farms and --</p> <p>11 A. Geographic isolation.</p> <p>12 Q. Sorry: In most labor trafficking</p> <p>13 cases where there is concern about geographic</p> <p>14 isolation there are problems on remote farms</p> <p>15 and forest sites.</p> <p>16 Is that accurate?</p> <p>17 A. Yes.</p> <p>18 Q. What percentage of labor</p> <p>19 trafficking cases take place on remote farms</p> <p>20 and forest sites?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. We cannot tell you how much</p> <p>24 percentage there is because the only time that</p> <p>25 a trafficking case becomes a trafficking case</p> |

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| <p style="text-align: right;">Page 254</p> <p>1 Shelley</p> <p>2 is after it has been identified by law</p> <p>3 enforcement and investigated as a trafficking</p> <p>4 case. And because so many of these problems</p> <p>5 go on in remote farms and forest sites we</p> <p>6 don't know how many there are.</p> <p>7 Q. But you indicated most labor</p> <p>8 trafficking cases; is that correct?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. Where there is concern about</p> <p>12 geographic isolation, because I have talked to</p> <p>13 many activists who have worked in these areas</p> <p>14 in Buffalo, in Florida, in the Carolinas and</p> <p>15 elsewhere, and they have the greatest problems</p> <p>16 of getting a trafficking case initiated and so</p> <p>17 forth because of the isolation and getting to</p> <p>18 the workers and documenting it.</p> <p>19 Q. But when you are referring to and</p> <p>20 most laboring cases where there is geographic</p> <p>21 isolation, is it safe to say that it is at</p> <p>22 least about 51 percent?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. There are so -- if you look at</p> | <p style="text-align: right;">Page 255</p> <p>1 Shelley</p> <p>2 this statistic, there is a study I cite in</p> <p>3 here done by the Bureau of Justice Statistics</p> <p>4 in which they inventoried the number of</p> <p>5 trafficking cases that were investigated in</p> <p>6 the United States. There were so few that to</p> <p>7 say -- to make any generalization on this</p> <p>8 limited number of cases is totally ineffective</p> <p>9 from a social science point of view. The data</p> <p>10 is so small as to be meaningless.</p> <p>11 Q. Well let me ask you this. When</p> <p>12 you say that in most labor trafficking cases</p> <p>13 where there is concern about geographic</p> <p>14 location, does that foreclose the possibility</p> <p>15 that labor trafficking can exist in other</p> <p>16 industries outside of farms and forest sites?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. Labor trafficking can exist in a</p> <p>20 wide range of sectors. But this, I am talking</p> <p>21 here about the problem of geographic</p> <p>22 isolation. But you can have human trafficking</p> <p>23 two blocks from here in a labor situation in a</p> <p>24 hotel here.</p> <p>25 Q. My question is about those labor</p> |
| <p style="text-align: right;">Page 256</p> <p>1 Shelley</p> <p>2 trafficking cases where there is concern about</p> <p>3 geographic location, and you are saying in</p> <p>4 most labor trafficking cases where there is</p> <p>5 geographic location?</p> <p>6 MR. ROUX: Objection as to the</p> <p>7 form.</p> <p>8 A. I am talking not about geographic</p> <p>9 location, I am --</p> <p>10 Q. I am sorry, geographic isolation,</p> <p>11 and you say that there are problems in remote</p> <p>12 farms and forest sites. Does that mean that</p> <p>13 these kinds of problems of geographic</p> <p>14 isolation cannot occur in other industries as</p> <p>15 well?</p> <p>16 A. Does not preclude this, that is</p> <p>17 correct.</p> <p>18 Q. So it can happen in non-farm and</p> <p>19 non-forest site industries; is that correct?</p> <p>20 A. There is enormous ingenuity in the</p> <p>21 field of human trafficking.</p> <p>22 Q. Paragraph 38 where you indicate</p> <p>23 that public display of power is not a</p> <p>24 condition of trafficking.</p> <p>25 A. Where?</p> | <p style="text-align: right;">Page 257</p> <p>1 Shelley</p> <p>2 Q. Where you indicate that public</p> <p>3 display of power is not identified as a</p> <p>4 criteria for trafficking. Is that accurate?</p> <p>5 A. As one looks through lists of</p> <p>6 criteria from the sources that I have cited it</p> <p>7 has not been identified as a stand alone</p> <p>8 factor of human trafficking, no.</p> <p>9 Q. What does public display of power</p> <p>10 mean to you in the context of Ms. Burke's</p> <p>11 report?</p> <p>12 A. I don't know what Ms. Burke means.</p> <p>13 I know what I mean of public display of power.</p> <p>14 Q. What do you mean?</p> <p>15 A. Such as I have seen in other</p> <p>16 trafficking cases where people, employers come</p> <p>17 after workers with knives, with guns, with</p> <p>18 whips.</p> <p>19 Q. Is it possible that targeting</p> <p>20 specific groups or a specific group of workers</p> <p>21 within the larger number of workers at Signal</p> <p>22 by making an example of them in a public event</p> <p>23 such as March 9th would constitute a public</p> <p>24 display of power?</p> <p>25 MR. ROUX: Objection as to the</p> |

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| <p style="text-align: right;">Page 258</p> <p>1 Shelley</p> <p>2 form.</p> <p>3 A. The events of March 9th are so</p> <p>4 complex that I would not say that they</p> <p>5 necessarily constitute something of a public</p> <p>6 display of power.</p> <p>7 Q. Would you say that workers who try</p> <p>8 and resist the way Mr. Vijayan and</p> <p>9 Mr. Kadakkarappally did on March 9th was a</p> <p>10 form of resistance to the Signal management?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. Form of resistance; no, I would</p> <p>14 not say it was a form of resistance.</p> <p>15 Q. Would you say the fact that</p> <p>16 Mr. Kadakkarappally and Mr. Vijayan had</p> <p>17 contacted lawyers was a form of resistance</p> <p>18 against Signal management?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I would say they contacted</p> <p>22 lawyers. I would not say it was a sign of</p> <p>23 resistance.</p> <p>24 Q. What is a sign of resistance?</p> <p>25 A. I mean first human trafficking is</p> | <p style="text-align: right;">Page 259</p> <p>1 Shelley</p> <p>2 not about a sign of resistance. I would say</p> <p>3 that contacting lawyers is a way of finding a</p> <p>4 way to stay in the United States.</p> <p>5 Q. Would you say complaining about</p> <p>6 the working conditions and promises that were</p> <p>7 made to the workers was a form of resistance?</p> <p>8 MR. ROUX: Objection as to the</p> <p>9 form.</p> <p>10 A. I have very serious questions</p> <p>11 about some of the statements made by</p> <p>12 Mr. Joseph.</p> <p>13 Q. You mean Mr. Kadakkarappally?</p> <p>14 A. Yes, Mr. Joseph Kadakkarappally.</p> <p>15 Q. In what transpired on March 9th as</p> <p>16 well as the speech that Mr. Schnoor made, does</p> <p>17 that together demonstrate to you a public</p> <p>18 display of power on the part of Signal</p> <p>19 management?</p> <p>20 MR. ROUX: Objection as to the</p> <p>21 form.</p> <p>22 A. To me that is not what I would</p> <p>23 call a public display of power because it was</p> <p>24 not meant to be a public display of power. It</p> <p>25 was turned into a public display of power by</p> |
| <p style="text-align: right;">Page 260</p> <p>1 Shelley</p> <p>2 some of the Signal workers.</p> <p>3 Q. In what way?</p> <p>4 A. In that from what I understand</p> <p>5 there was media that was outside the camp</p> <p>6 which was then to record it and take what</p> <p>7 would have been a private action and make it</p> <p>8 public.</p> <p>9 Q. And --</p> <p>10 A. So this was not the intention of</p> <p>11 Signal, it was something that happened as a</p> <p>12 result of Signal workers.</p> <p>13 Q. But what happened for a handful of</p> <p>14 workers in front of other Signal workers even,</p> <p>15 if there was no media presence, would that</p> <p>16 constitute a public display of power?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. This is not the case so I am not</p> <p>20 making a hypothetical statement.</p> <p>21 Q. Do public displays of power only</p> <p>22 have to be violent in nature?</p> <p>23 A. If you have -- if you are</p> <p>24 talking -- I mean you could have a royal</p> <p>25 procession that is a public display of power</p> | <p style="text-align: right;">Page 261</p> <p>1 Shelley</p> <p>2 that does not use or involve violence. There</p> <p>3 are many different ways to communicate power</p> <p>4 that are public and that are not coercive. So</p> <p>5 therefore to talk about the impact of a public</p> <p>6 display of power you need to understand the</p> <p>7 circumstances of it.</p> <p>8 Q. I forget your response, in</p> <p>9 evaluating the criteria of trafficking is it</p> <p>10 your position that a public display of power</p> <p>11 is not one of them?</p> <p>12 A. I think that is too broad a</p> <p>13 statement. One has to look at what is the</p> <p>14 impact of this power, and what it does to the</p> <p>15 individuals, and the circumstances in which it</p> <p>16 occurs.</p> <p>17 Q. So you are saying that that</p> <p>18 statement is too broad; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did you work with any colleagues</p> <p>21 in compiling your report?</p> <p>22 A. No.</p> <p>23 Q. Do you have any associates,</p> <p>24 employees, independent contractors that</p> <p>25 assisted you in this report?</p> |

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| <p style="text-align: right;">Page 262</p> <p>1 Shelley</p> <p>2 A. No.</p> <p>3 Q. Did you have an intern?</p> <p>4 A. No.</p> <p>5 Q. Did you communicate with other</p> <p>6 experts about this case?</p> <p>7 A. No.</p> <p>8 Q. Did you communicate with other</p> <p>9 experts that have been called for this case</p> <p>10 before today?</p> <p>11 A. No.</p> <p>12 Q. In paragraph 63 of your report</p> <p>13 when you refer to --</p> <p>14 A. Is that the one that begins in</p> <p>15 conclusion?</p> <p>16 Q. Yes. You indicated that Dewan and</p> <p>17 the local lawyer and recruiter were the ones</p> <p>18 who engaged in quote, duplicitous practices;</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Isn't it true that once a person's</p> <p>22 labor is exploited by psychological coercion,</p> <p>23 abuse of legal process, or deception, the</p> <p>24 person's previous consent or effort to obtain</p> <p>25 employment becomes irrelevant?</p> | <p style="text-align: right;">Page 263</p> <p>1 Shelley</p> <p>2 MR. ROUX: Objection as to the</p> <p>3 form.</p> <p>4 A. You are talking in a generality,</p> <p>5 and I am not saying that any of that occurred</p> <p>6 at Signal.</p> <p>7 Q. Well in this particular situation</p> <p>8 at Signal your position is that the recruiters</p> <p>9 were the ones who defrauded the workers in</p> <p>10 this case; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Both Dewan and Michael Pol as well</p> <p>13 as the immigration lawyer Malvern Burnett;</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Once they arrived here in the</p> <p>17 United States to work and were living in the</p> <p>18 man camps and eating the food that they had,</p> <p>19 doesn't that eviscerate any kind of consent</p> <p>20 that they experienced at the time of their</p> <p>21 recruitment?</p> <p>22 MR. ROUX: Objection as to the</p> <p>23 form.</p> <p>24 A. I don't know how it eviscerates</p> <p>25 their consent.</p> |
| <p style="text-align: right;">Page 264</p> <p>1 Shelley</p> <p>2 Q. You indicate several times in your</p> <p>3 report that Signal's safety record is one of</p> <p>4 the safest shipyards in the United States; is</p> <p>5 that correct?</p> <p>6 A. Yes.</p> <p>7 Q. How is that relevant to whether or</p> <p>8 not they have engaged in trafficking in this</p> <p>9 case?</p> <p>10 A. In many cases of human trafficking</p> <p>11 that have been investigated in the United</p> <p>12 States one of the key factors is the safety of</p> <p>13 the workers and whether they have more</p> <p>14 accidents and whether they are provided</p> <p>15 medical treatment for their accidents, and I</p> <p>16 write about several of these cases in the</p> <p>17 United States in which the high level of</p> <p>18 accidents and the mistreatment of the workers</p> <p>19 following accidents has been a key component</p> <p>20 in the decision that this was human</p> <p>21 trafficking.</p> <p>22 So that as well as Kevin Bales who</p> <p>23 testified in the Pickle case writes a book in</p> <p>24 which he talks about disposable people in</p> <p>25 which the exposure to individuals in an</p> | <p style="text-align: right;">Page 265</p> <p>1 Shelley</p> <p>2 environment of high rates of accidents, lack</p> <p>3 of protection, lack of safety, is one of the</p> <p>4 key components of human trafficking because</p> <p>5 the people are seen as disposable.</p> <p>6 Therefore placing individuals in a</p> <p>7 work environment in which safety is paramount</p> <p>8 belies a lot of what is being said about this</p> <p>9 being an enterprise that is engaging in human</p> <p>10 trafficking.</p> <p>11 Q. If someone receives an award does</p> <p>12 that mean that they can't be found liable for</p> <p>13 trafficking?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. This is not just an award. I have</p> <p>17 reviewed the statistics of Signal for safety</p> <p>18 and accidents. I have asked to see all the</p> <p>19 data on the period from 2006 to 2008 of all</p> <p>20 the workers who were injured at Signal, and</p> <p>21 the division of injuries among Indian workers</p> <p>22 and non-Indian workers. I have examined what</p> <p>23 happened in each of these cases after the</p> <p>24 accident.</p> <p>25 Therefore when I am making</p> |

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| <p style="text-align: right;">Page 266</p> <p>1 Shelley</p> <p>2 comments on getting an award, this is not just</p> <p>3 taking something as somebody getting a prize.</p> <p>4 I have done careful analysis based on data</p> <p>5 that I pulled up not only and demanded from</p> <p>6 Signal to get deeper and deeper into this, but</p> <p>7 other data that I have pulled up on</p> <p>8 comparative rates of safety in this highly</p> <p>9 dangerous industry.</p> <p>10 Q. Did you examine the criteria that</p> <p>11 was used to determine what constitutes a safe</p> <p>12 shipyard?</p> <p>13 A. Yes. I mean if you go to the</p> <p>14 web-site of the shipyard, you are talking</p> <p>15 about accidents and fatalities of shipyards.</p> <p>16 Q. And does that include the</p> <p>17 conditions of the housing and lodging?</p> <p>18 A. No, it concerns safety.</p> <p>19 Q. Does it include the food that is</p> <p>20 provided to the workers?</p> <p>21 A. No, we are talking about safety.</p> <p>22 Housing, I mean if there were dangerous</p> <p>23 housing and workers were dying in the housing,</p> <p>24 in a facility and the workers were dying, that</p> <p>25 might go under safety issues. But beyond that</p> | <p style="text-align: right;">Page 267</p> <p>1 Shelley</p> <p>2 we are talking about workplace safety issues.</p> <p>3 Q. What about workers that are</p> <p>4 falling ill?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. People get ill especially when</p> <p>8 they go overseas and have exposure to</p> <p>9 different food and water.</p> <p>10 Q. What if they felt in this</p> <p>11 situation in this case where the plaintiffs</p> <p>12 have alleged poor food that was provided to</p> <p>13 them and became sick as a result?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. I have seen this, but they are</p> <p>17 alleged. I have not seen that there was an</p> <p>18 actual certification that the workers were</p> <p>19 getting food related illnesses that were</p> <p>20 certified through clinical tests.</p> <p>21 Q. But that wasn't part of the</p> <p>22 criteria for how Signal's safety record was</p> <p>23 achieved; is that correct?</p> <p>24 MR. ROUX: Objection as to the</p> <p>25 form.</p> |
| <p style="text-align: right;">Page 268</p> <p>1 Shelley</p> <p>2 A. It has nothing to do with it. I</p> <p>3 told you what I used to analyze Signal's</p> <p>4 safety record.</p> <p>5 Q. In your view of the quote</p> <p>6 thousands of E-mails of Signal staff that you</p> <p>7 poured over did you review any E-mails between</p> <p>8 Signal and Signal's counsel?</p> <p>9 A. Signal had other counsel at that</p> <p>10 time, and there was not much counsel.</p> <p>11 Q. And what were the names of the</p> <p>12 E-mails of the Signal counsel that you read</p> <p>13 over at that time?</p> <p>14 MR. ROUX: Objection as to the</p> <p>15 form.</p> <p>16 A. I don't know.</p> <p>17 Q. Did you review any E-mails in</p> <p>18 which Signal's counsel was cc'd?</p> <p>19 A. I don't remember that.</p> <p>20 Q. Did you review any E-mails between</p> <p>21 Signal and Signal's current counsel?</p> <p>22 A. I am sure I looked at something, I</p> <p>23 can't tell you what.</p> <p>24 Q. Do you remember the subject</p> <p>25 matter?</p> | <p style="text-align: right;">Page 269</p> <p>1 Shelley</p> <p>2 A. No.</p> <p>3 Q. Do you have them in your</p> <p>4 possession?</p> <p>5 A. I have binders in my possession,</p> <p>6 yes, but not here.</p> <p>7 Q. Did you take notes as part of your</p> <p>8 preparation for your report?</p> <p>9 A. Did I take notes as part of what?</p> <p>10 Q. The preparation for your report?</p> <p>11 A. Of course. I already mentioned</p> <p>12 and said today that I have notes attached to T</p> <p>13 visa's. So I am just saying that I already</p> <p>14 told you that.</p> <p>15 Q. You indicated that you have</p> <p>16 binders; correct?</p> <p>17 A. Yes.</p> <p>18 Q. How many binders do you have?</p> <p>19 A. Several.</p> <p>20 Q. More than six?</p> <p>21 A. No.</p> <p>22 Q. Less than six?</p> <p>23 A. Yes.</p> <p>24 Q. And how thick are the binders;</p> <p>25 probably a foot high?</p> |

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| <p style="text-align: right;">Page 270</p> <p>1 Shelley</p> <p>2 A. No, not that high. I have one</p> <p>3 that is this high and I have some other</p> <p>4 smaller ones.</p> <p>5 Q. Are there other materials you</p> <p>6 poured over concrete other than the ones in</p> <p>7 the binders, such as you mentioned video?</p> <p>8 A. Yes. I have extensive materials I</p> <p>9 have reviewed other than the binders. The</p> <p>10 binders are just the E-mails and some of the</p> <p>11 contracts, the worker statements. I mean the</p> <p>12 T visa's, some of the depositions, the court</p> <p>13 findings, the court pleadings, the expert</p> <p>14 witness statements.</p> <p>15 Q. You have all those in your</p> <p>16 possession?</p> <p>17 A. Yes.</p> <p>18 Q. When you referred to the</p> <p>19 restaurant, the caterer that you ate at in New</p> <p>20 Orleans, when did you visit that restaurant?</p> <p>21 A. In July.</p> <p>22 Q. And how many times did you go?</p> <p>23 A. Once.</p> <p>24 Q. How many meals did you eat?</p> <p>25 A. One.</p> | <p style="text-align: right;">Page 271</p> <p>1 Shelley</p> <p>2 Q. How many dishes did you eat?</p> <p>3 A. Probably about six or seven.</p> <p>4 Q. And did you consume any of the</p> <p>5 food that was consumed by the plaintiffs in</p> <p>6 Mississippi from 2006 to 2008?</p> <p>7 A. No.</p> <p>8 Q. When you went to the man camps was</p> <p>9 that also in July?</p> <p>10 A. Yes.</p> <p>11 Q. How many times did you go?</p> <p>12 A. Once.</p> <p>13 Q. How long was the visit?</p> <p>14 A. A day and a half.</p> <p>15 Q. And how much of that time was</p> <p>16 spent visiting the man camps?</p> <p>17 A. As long as it took to walk through</p> <p>18 and see the man camps.</p> <p>19 Q. Did it take an hour?</p> <p>20 A. Probably.</p> <p>21 Q. How many man camps or trailers did</p> <p>22 you see?</p> <p>23 A. I saw eating areas. I saw lounge</p> <p>24 areas. I saw kitchen areas. I saw areas</p> <p>25 where the telephones were set up. I saw</p> |
| <p style="text-align: right;">Page 272</p> <p>1 Shelley</p> <p>2 shower areas. I saw housing areas.</p> <p>3 Q. So when you are saying it took you</p> <p>4 about an hour to see all the facilities, that</p> <p>5 included not just the residential facilities,</p> <p>6 but also recreational areas and as well as</p> <p>7 eating areas?</p> <p>8 A. It was all together, they are all</p> <p>9 in the same area. So I took a tour of what</p> <p>10 survives.</p> <p>11 Q. And for the rest of time that you</p> <p>12 spent at the man camp what did you do?</p> <p>13 A. Well the man camp adjoins the</p> <p>14 Signal facility, so I spent time at the Signal</p> <p>15 facility interviewing people, determining what</p> <p>16 I further wanted to see based on my</p> <p>17 interviews, what further documents.</p> <p>18 Determining what I wanted to understand about</p> <p>19 the region, the housing issues, the security</p> <p>20 issues. It laid out a research agenda for me</p> <p>21 apart from the time that I spent with</p> <p>22 management.</p> <p>23 Q. Were all the interviews that you</p> <p>24 conducted during that one and a half day</p> <p>25 visit?</p> | <p style="text-align: right;">Page 273</p> <p>1 Shelley</p> <p>2 A. Primarily yes.</p> <p>3 Q. When you saw the residential</p> <p>4 facilities did you see anyone living there?</p> <p>5 A. No.</p> <p>6 Q. You said you interviewed two H-2B</p> <p>7 workers; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. What were the names?</p> <p>10 A. One was named Ramesh and I am not</p> <p>11 sure of the other one. I can check my files.</p> <p>12 Q. When did you interview them?</p> <p>13 A. I can tell you the date. It was</p> <p>14 July 17th or July 18th.</p> <p>15 Q. How long were each of these</p> <p>16 interviews?</p> <p>17 A. I think they were probably</p> <p>18 somewhere between an hour and two hours.</p> <p>19 Q. Each?</p> <p>20 A. I interviewed them together.</p> <p>21 Q. You interviewed both of them</p> <p>22 together?</p> <p>23 A. Yes.</p> <p>24 Q. And how many times did you</p> <p>25 interview them?</p> |

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| <p style="text-align: right;">Page 274</p> <p>1 Shelley</p> <p>2 A. One time.</p> <p>3 Q. Did you use an interpreter?</p> <p>4 A. One of them has excellent English</p> <p>5 who had been an interpreter for many of the</p> <p>6 workers before.</p> <p>7 Q. Who else was in the room when you</p> <p>8 interviewed those workers?</p> <p>9 A. At least one of the lawyers, I</p> <p>10 think Patricia was there.</p> <p>11 Q. Was she there for the entire</p> <p>12 length of the interview?</p> <p>13 A. I believe so.</p> <p>14 Q. When you visited the eating area</p> <p>15 did you eat any of the food?</p> <p>16 MR. ROUX: Objection as to the</p> <p>17 form.</p> <p>18 A. There was no food left. The</p> <p>19 eating facility had been closed a long time.</p> <p>20 I did ask some of the staff who had eaten</p> <p>21 there about what their experiences were. But</p> <p>22 I wasn't able to eat it, they were closed down</p> <p>23 for years.</p> <p>24 Q. Other than your one and a half day</p> <p>25 visit did you interview Signal's staff in</p> | <p style="text-align: right;">Page 275</p> <p>1 Shelley</p> <p>2 preparation for your report?</p> <p>3 A. Yes, and I interviewed Signal</p> <p>4 staff, I requested information through the</p> <p>5 lawyers such as I asked -- mentioned about</p> <p>6 safety records, and I had follow up questions</p> <p>7 for some of them.</p> <p>8 Q. You indicated that you listened to</p> <p>9 recordings of Saket Soni; correct?</p> <p>10 A. Yes.</p> <p>11 Q. How many recordings?</p> <p>12 A. I would say at least four or five.</p> <p>13 Q. These were audio recordings;</p> <p>14 correct?</p> <p>15 A. Yes, but I saw his lecture at SUNY</p> <p>16 Stony Brook, so that wasn't an audio, that was</p> <p>17 a visual one.</p> <p>18 Q. How long were each of these</p> <p>19 records?</p> <p>20 A. Some of them were short. It was</p> <p>21 quite a lengthy lecture at Stony Brook.</p> <p>22 Q. How long were the short audio</p> <p>23 recordings?</p> <p>24 A. Maybe five minutes.</p> <p>25 Q. Do you know when those recordings</p> |
| <p style="text-align: right;">Page 276</p> <p>1 Shelley</p> <p>2 were made?</p> <p>3 A. Over the past several years.</p> <p>4 Q. You referred to an interview that</p> <p>5 you conducted with Kalish Satyarthi; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you interviewed him for his</p> <p>9 insight into trafficking or child labor; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did you interview him about</p> <p>13 trafficking of adults?</p> <p>14 A. In discussing with him why he</p> <p>15 concentrated on child labor I asked him why on</p> <p>16 child labor versus adults, and he said that</p> <p>17 the problem of child labor in India was so</p> <p>18 extensive and so large that the base of his</p> <p>19 activism in India was focussed on child labor,</p> <p>20 and he had led huge protests of tens of</p> <p>21 thousands of people against child labor</p> <p>22 trafficking in India.</p> <p>23 Q. How did your interview -- how long</p> <p>24 was that interview?</p> <p>25 A. Since we were together at a</p> | <p style="text-align: right;">Page 277</p> <p>1 Shelley</p> <p>2 meeting of the Global Agenda Council, the</p> <p>3 World Economic Forum, this was not a fixed</p> <p>4 interview, but was time that we spent together</p> <p>5 discussing human trafficking over a period</p> <p>6 that we were at this meeting. So there may</p> <p>7 have been recurring discussions over a couple</p> <p>8 of days in which we discussed it, then come</p> <p>9 back, had some more questions, because we have</p> <p>10 a whole group within there that works on human</p> <p>11 trafficking issues.</p> <p>12 Q. And how did your interview with</p> <p>13 him provide insight into trafficking of adult</p> <p>14 skilled labor to locations outside of India?</p> <p>15 A. Most Indian's would say that this</p> <p>16 is Indian labor overseas, and they don't even</p> <p>17 define this as labor trafficking. Only</p> <p>18 recently as hundreds of workers, something</p> <p>19 like 500 Indian workers have died in Qatar</p> <p>20 recently as laborers is there beginning to be</p> <p>21 more awareness of labor trafficking into the</p> <p>22 Gulf. But for most people this is not even a</p> <p>23 trafficking issue in India.</p> <p>24 Q. But in your interview with him did</p> <p>25 you discuss trafficking of adults to locations</p> |

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| <p style="text-align: right;">Page 278</p> <p>1 Shelley</p> <p>2 outside of India?</p> <p>3 A. No. I asked him why he focussed</p> <p>4 on labor trafficking of children as opposed to</p> <p>5 adults, and his answer was that this is the</p> <p>6 acute problem of India.</p> <p>7 Q. You also referred to a U.S. Aid</p> <p>8 report that you --</p> <p>9 A. Yes, that I contributed to.</p> <p>10 Q. What was that report about?</p> <p>11 A. That report was on the problems of</p> <p>12 economic vulnerability. Of problems of caste</p> <p>13 in India. Of how individuals become</p> <p>14 vulnerable to trafficking not only in India</p> <p>15 but other states in southeast Asian. And what</p> <p>16 can be done about this problem.</p> <p>17 Q. And how did your contribution to</p> <p>18 that report provide insight into the plight of</p> <p>19 adult workers who are trafficked to outside of</p> <p>20 India?</p> <p>21 A. My understanding of working with</p> <p>22 one of the leading prize winning Indian</p> <p>23 activist on human trafficking, that this</p> <p>24 problem is not even considered part of the</p> <p>25 human trafficking problem from an Indian</p> | <p style="text-align: right;">Page 279</p> <p>1 Shelley</p> <p>2 perspective.</p> <p>3 Q. And that was in your report?</p> <p>4 A. No, that is not in the report, but</p> <p>5 that is what I have understood after working</p> <p>6 with this Indian person Ruchira Gupta over</p> <p>7 this period.</p> <p>8 MS. SURIYOPAS: Five minute break.</p> <p>9 Off the record.</p> <p>10 (Recess taken.)</p> <p>11 Q. I just have one more question. Is</p> <p>12 your payment contingent upon the opinions that</p> <p>13 you have given in this case?</p> <p>14 A. Absolutely not. I am free to say</p> <p>15 whatever I want.</p> <p>16 MS. SURIYOPAS: Thank you, that is</p> <p>17 all for me.</p> <p>18 EXAMINATION BY</p> <p>19 MR. RAMSEY:</p> <p>20 Q. Good afternoon Professor Shelley.</p> <p>21 I know we are getting late into the day, I</p> <p>22 will --</p> <p>23 A. Tell me a little bit more about</p> <p>24 who you are and what you represent.</p> <p>25 Q. My name is Shane Ramsey, I</p> |
| <p style="text-align: right;">Page 280</p> <p>1 Shelley</p> <p>2 represent the Samuel plaintiffs, we have an</p> <p>3 action pending in District Court in Texas?</p> <p>4 A. Beaumont.</p> <p>5 Q. Correct.</p> <p>6 MR. SHAPIRO: Excuse me, are we</p> <p>7 going into the Texas case now?</p> <p>8 MR. ROUX: Yes, the experts were</p> <p>9 for all cases.</p> <p>10 MR. SHAPIRO: I do want to make</p> <p>11 sure I get a few questions in.</p> <p>12 MR. FLEMING: I may have a few</p> <p>13 questions as well. This is John Fleming.</p> <p>14 MR. ROUX: It is 5 o'clock now,</p> <p>15 we are finishing at 5:30, if that governs</p> <p>16 how you want to split up your remaining</p> <p>17 time.</p> <p>18 MR. RAMSEY: I will move as fast</p> <p>19 as I can.</p> <p>20 Q. Professor Shelley, do you recall</p> <p>21 testifying earlier that in your expert report</p> <p>22 you indicated that quote, safety record is the</p> <p>23 key indicator?</p> <p>24 A. It is a key indicator, yes.</p> <p>25 Q. Is your testimony that it is the</p> | <p style="text-align: right;">Page 281</p> <p>1 Shelley</p> <p>2 biggest indicator of whether or not there is</p> <p>3 human trafficking?</p> <p>4 A. No, but it is a very important</p> <p>5 indicator because it reflects the concern of</p> <p>6 the employer for the worker.</p> <p>7 Q. Aren't you aware that with respect</p> <p>8 to the Signal facilities in both Texas and</p> <p>9 Mississippi that the Indian H-2B workers were</p> <p>10 working alongside American workers as well?</p> <p>11 A. Yes.</p> <p>12 Q. So the safety was not only for the</p> <p>13 benefit of the Indian H-2B workers, but it was</p> <p>14 also for the benefit of the American workers;</p> <p>15 isn't that correct?</p> <p>16 A. Absolutely, it is Signal's -- I</p> <p>17 mean one of things that I have learned and</p> <p>18 probed is how deep this culture of safety is</p> <p>19 in Signal.</p> <p>20 Q. And isn't it true in your expert</p> <p>21 report you make the assertion that the safety</p> <p>22 record is one of the key indicators, but you</p> <p>23 cite no authority for that; isn't that true?</p> <p>24 A. As I say I have written about it</p> <p>25 extensively in my work, so I am the authority.</p> |

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| <p style="text-align: right;">Page 282</p> <p>1 Shelley</p> <p>2 I mean I have done so much work, if you go</p> <p>3 back to my book on human trafficking and read</p> <p>4 where I have 1,000 footnotes in my book, I can</p> <p>5 find you some footnotes to cite it.</p> <p>6 Q. But as someone just reading the</p> <p>7 report and as an academic wouldn't you agree</p> <p>8 that it would be helpful to the reader to have</p> <p>9 citations for the propositions and statements</p> <p>10 that are set forth in your expert report?</p> <p>11 A. I think --</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. Considering the fact that I got</p> <p>15 involved in this case in July I did my</p> <p>16 interviews, I read large amounts of material,</p> <p>17 and produced the first report. I provided</p> <p>18 documentation. I could certainly with time</p> <p>19 provide more extended documentation and amend</p> <p>20 the report. But when I started this I had a</p> <p>21 limited amount of time because we did not</p> <p>22 anticipate that I would have to do an expert</p> <p>23 statement for Beaumont in July, it was moved</p> <p>24 up.</p> <p>25 Q. Do you recall Mr. Howard asking</p> | <p style="text-align: right;">Page 283</p> <p>1 Shelley</p> <p>2 you some questions earlier about paragraph 17</p> <p>3 of your expert report?</p> <p>4 A. Is that for Beaumont?</p> <p>5 Q. It is paragraph 17 in both,</p> <p>6 Exhibit 1.</p> <p>7 A. Yes.</p> <p>8 Q. And in that paragraph you allude</p> <p>9 to the fact that there is evidence of some</p> <p>10 Indian H-2B workers cheating on their welding</p> <p>11 test, do you recall that?</p> <p>12 MR. ROUX: Objection as to the</p> <p>13 form.</p> <p>14 A. I didn't say that they cheated, I</p> <p>15 said that there was fraud in this.</p> <p>16 Q. Okay.</p> <p>17 A. That is different from cheating.</p> <p>18 Q. If they had somebody take --</p> <p>19 strike that.</p> <p>20 Can you name one plaintiff in any</p> <p>21 of the cases that are pending in Texas or</p> <p>22 Mississippi that you know for a fact committed</p> <p>23 fraud as you put it in taking the welding</p> <p>24 test?</p> <p>25 A. Yes, there is the farmer, I can go</p> |
| <p style="text-align: right;">Page 284</p> <p>1 Shelley</p> <p>2 into my files and look for it, but there is</p> <p>3 this farmer who paid a large amount of money</p> <p>4 who did not have a background as a welder, was</p> <p>5 not recognized by the people from Signal who</p> <p>6 did the testing, yes, I have the name in here.</p> <p>7 Q. Other than the farmer that you</p> <p>8 just mentioned is there anyone else that is a</p> <p>9 plaintiff in any of the lawsuits pending in</p> <p>10 Texas or Louisiana?</p> <p>11 A. I would say that Mr. Khuttan, it</p> <p>12 is not clear that he really has extensive</p> <p>13 experience as a welder. He has admitted in</p> <p>14 his deposition that he was a history graduate</p> <p>15 of the University of Delhi.</p> <p>16 Q. But do you have any evidence that</p> <p>17 the individual that you just mentioned</p> <p>18 committed fraud in his welding testing?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. I have reviewed the files of the</p> <p>22 individuals who were found not to be qualified</p> <p>23 because they had their salaries reduced. I</p> <p>24 went through the hundreds of records and there</p> <p>25 were about twenty percent of them that had</p> | <p style="text-align: right;">Page 285</p> <p>1 Shelley</p> <p>2 their salaries reduced. Once I determined</p> <p>3 that I questioned Signal's staff on whether</p> <p>4 those individuals were ones that they met when</p> <p>5 they were doing the testing. And there were</p> <p>6 several of them that there was no recognition</p> <p>7 that they had met them in person before they</p> <p>8 came to Signal. And these were individuals</p> <p>9 who I determined separately, not through their</p> <p>10 statements, but through financial records,</p> <p>11 that they had had their salaries reduced for</p> <p>12 their inability to perform at the needed</p> <p>13 level.</p> <p>14 Q. But you can't as you sit here</p> <p>15 today give me any other names other than what</p> <p>16 you have just provided in answer to my last</p> <p>17 question?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. I can go back into my records, but</p> <p>21 these are not the plaintiffs that I am writing</p> <p>22 about in this case. But in these 400 odd</p> <p>23 people there are quite a number of them that</p> <p>24 fit this description, but that is not all in</p> <p>25 these initial two cases.</p> |

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| <p style="text-align: right;">Page 286</p> <p>1 Shelley</p> <p>2 Q. Professor Shelley, is it possible</p> <p>3 to have a case of human trafficking where the</p> <p>4 alleged human trafficker does certain things</p> <p>5 to, I will use the word appease the workers</p> <p>6 who are being trafficked in whatever effort to</p> <p>7 make them feel somewhat more comfortable, make</p> <p>8 them not want to be not -- make them not want</p> <p>9 to report things to authorities; is that</p> <p>10 possible?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. This is a pattern that is</p> <p>14 associated with sex trafficking rather than</p> <p>15 with labor trafficking. It is a very known</p> <p>16 phenomenon in sex trafficking.</p> <p>17 Q. Can you explain what you mean by</p> <p>18 that?</p> <p>19 A. Certainly. In sex trafficking</p> <p>20 when women threaten to leave, instead of the</p> <p>21 trafficker withholding all of their salary he</p> <p>22 may start to share more of the money that they</p> <p>23 earn with the women, so that they don't</p> <p>24 totally withhold their salaries from them.</p> <p>25 And as there have been more prosecutions of</p> | <p style="text-align: right;">Page 287</p> <p>1 Shelley</p> <p>2 sex trafficking and more investigations, the</p> <p>3 whole pattern of the sex trafficking</p> <p>4 phenomenon has changed in that women are</p> <p>5 receiving more money so that they were -- that</p> <p>6 they have something to send home as</p> <p>7 remittances.</p> <p>8 This has not been in any of the</p> <p>9 research that I have read on labor trafficking</p> <p>10 identified as an attribute of labor</p> <p>11 traffickers.</p> <p>12 Q. In your opinion is it possible</p> <p>13 that a labor trafficker could engage in</p> <p>14 similar behavior?</p> <p>15 MR. ROUX: Objection as to the</p> <p>16 form.</p> <p>17 A. There are cases in which I have</p> <p>18 talked about in the United States in which</p> <p>19 individuals have been prosecuted for labor</p> <p>20 trafficking in which they have grossly</p> <p>21 underpaid the workers. I am not aware of</p> <p>22 cases in which they have appeased them, but</p> <p>23 that could be at some point, you know, in</p> <p>24 another hypothetical case. But this is not</p> <p>25 what we are talking about in this case.</p> |
| <p style="text-align: right;">Page 288</p> <p>1 Shelley</p> <p>2 Q. But it is possible?</p> <p>3 MR. ROUX: Objection as to the</p> <p>4 form.</p> <p>5 A. We are not talking about</p> <p>6 hypotheticals, but there are endless</p> <p>7 variations in human trafficking and every week</p> <p>8 I learn about something new. So I am not</p> <p>9 going to deny the possibility of some new</p> <p>10 variation in this phenomenon.</p> <p>11 Q. Do you recall putting in your</p> <p>12 expert report that Signal provided Cricket</p> <p>13 equipment at significant expense so that the</p> <p>14 Indian H-2B of workers could play a game that</p> <p>15 was central to their culture?</p> <p>16 A. Yes, on family day they provided</p> <p>17 them with Cricket equipment.</p> <p>18 Q. Why is that significant?</p> <p>19 A. Because it is important or it</p> <p>20 reflects the effort by Signal to be culturally</p> <p>21 sensitive and understand that Cricket is</p> <p>22 central to Indians as opposed to soccer or</p> <p>23 basketball, it is the fact that after working</p> <p>24 with them they have learned something about</p> <p>25 their culture.</p> | <p style="text-align: right;">Page 289</p> <p>1 Shelley</p> <p>2 Q. Couldn't that be a form of</p> <p>3 appeasement that we just spoke about?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. I don't think that that is</p> <p>7 appeasement. I think of it as a cultural</p> <p>8 learning process that has gone on, because</p> <p>9 that is the context in which I was learning</p> <p>10 about how they learned about Indian culture</p> <p>11 when they didn't know much about it before.</p> <p>12 Q. Did you ever interview anyone at</p> <p>13 Signal about why they provided Cricket</p> <p>14 equipment?</p> <p>15 A. Yes, several people.</p> <p>16 Q. What did they say?</p> <p>17 A. First Anjay who was the caterer</p> <p>18 told them that they should be ensuring that</p> <p>19 the workers should play Cricket, that that is</p> <p>20 what they need when everybody else has family</p> <p>21 day that they don't feel excluded. He talked</p> <p>22 to some of the staff people. Then they</p> <p>23 decided that they would appropriate the money</p> <p>24 to buy the Cricket equipment so that they</p> <p>25 would not feel excluded at the family day,</p> |

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| <p style="text-align: right;">Page 290</p> <p>1 Shelley</p> <p>2 because they didn't have their families with</p> <p>3 them and therefore they should have some</p> <p>4 activity that was relevant, appropriate to</p> <p>5 their lives.</p> <p>6 Q. How much money was spent on the</p> <p>7 Cricket equipment?</p> <p>8 A. Maybe it was a thousand dollars,</p> <p>9 something like that. But that is not a</p> <p>10 trivial amount of money, it is not like buying</p> <p>11 everybody some kind of soda pop or something</p> <p>12 like that.</p> <p>13 Q. You testified earlier I believe</p> <p>14 that you were contacted in May of 2014</p> <p>15 regarding this case?</p> <p>16 A. Yes.</p> <p>17 Q. You were contacted by Signal's</p> <p>18 lawyers based on the review of your treatise?</p> <p>19 A. Yes.</p> <p>20 Q. Did you begin reviewing materials</p> <p>21 at that time in May of 2014 regarding this</p> <p>22 case?</p> <p>23 A. Before I took on this case I could</p> <p>24 review publicly available documents and I</p> <p>25 wanted to do a careful review of what was</p> | <p style="text-align: right;">Page 291</p> <p>1 Shelley</p> <p>2 available and that I could review before I</p> <p>3 decided to take on this case.</p> <p>4 Q. Back up one minute. Were you</p> <p>5 aware of the Signal case prior to being</p> <p>6 contacted in May of 2014?</p> <p>7 A. Yes.</p> <p>8 Q. What did you know about it?</p> <p>9 A. I knew that it was a case of</p> <p>10 alleged human trafficking, labor trafficking.</p> <p>11 Q. How did you know that?</p> <p>12 A. I am a specialist on human</p> <p>13 trafficking.</p> <p>14 Q. I understand that.</p> <p>15 A. I mean how do I know about it; how</p> <p>16 do you know about something in your field that</p> <p>17 has gotten so much publicity and so much</p> <p>18 visibility.</p> <p>19 Q. Let me ask you more specifically.</p> <p>20 How many articles did you read about it?</p> <p>21 A. I can't tell you how many</p> <p>22 articles. It is not only a number of</p> <p>23 articles, it is a question of people referring</p> <p>24 to cases within professional meetings.</p> <p>25 Q. Did you read any articles about</p> |
| <p style="text-align: right;">Page 292</p> <p>1 Shelley</p> <p>2 it?</p> <p>3 A. I am sure that I have read some</p> <p>4 articles because I knew about it. But I can't</p> <p>5 tell you exactly that I read this many</p> <p>6 articles or that I saw this many broadcasts on</p> <p>7 it, I can't tell you. I am just telling that</p> <p>8 I knew that this case existed, I knew that</p> <p>9 there were other cases that existed in</p> <p>10 Louisiana. I mean this is my field.</p> <p>11 Q. So you first were contacted in May</p> <p>12 of 2014; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And then in July of 2014 you</p> <p>15 agreed to take on this representation?</p> <p>16 A. No. In May after I first spoke to</p> <p>17 Brian and Erin I read documents prepared by</p> <p>18 Erin for the court. I read Judge Zainey's</p> <p>19 decision, and I read a few other documents of</p> <p>20 public record that I could see before I agreed</p> <p>21 to take on this case, and before I signed any</p> <p>22 agreement that would allow me to see any other</p> <p>23 material. And then I read many documents,</p> <p>24 many articles on this case.</p> <p>25 Q. Do you have a signed engagement</p> | <p style="text-align: right;">Page 293</p> <p>1 Shelley</p> <p>2 letter regarding the terms of your retention</p> <p>3 in this case?</p> <p>4 A. Absolutely I do.</p> <p>5 Q. When was that signed?</p> <p>6 A. It is right here on my computer, I</p> <p>7 think it was in July, but I can check, because</p> <p>8 I was away the whole month of June. I don't</p> <p>9 know when it was signed, but I know I came</p> <p>10 back in July and I have this agreement. So I</p> <p>11 am not sure.</p> <p>12 Q. But it was signed at some point in</p> <p>13 July?</p> <p>14 A. Yes.</p> <p>15 Q. You could give me that information</p> <p>16 now if you look it up?</p> <p>17 A. I probably can. I have a hard</p> <p>18 copy in my files at home, but I will look and</p> <p>19 see. I can't --</p> <p>20 Q. That is fine.</p> <p>21 Does the term of your engagement</p> <p>22 letter reflect the hourly rate that you are</p> <p>23 being paid in this case?</p> <p>24 A. Yes.</p> <p>25 Q. You testified earlier that that is</p> |

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| <p style="text-align: right;">Page 294</p> <p>1 Shelley</p> <p>2 \$400; is that correct?</p> <p>3 A. Yes, and 200 for travel time.</p> <p>4 MR. RAMSEY: I have no further</p> <p>5 questions, thank you very much.</p> <p>6 EXAMINATION BY</p> <p>7 MR. FLEMING:</p> <p>8 Q. This is John Fleming, I just have</p> <p>9 a couple of short questions and then I will</p> <p>10 let Mr. Shapiro finish up.</p> <p>11 A. Can you explain who you are first</p> <p>12 or where --</p> <p>13 Q. Yes, ma'am, I am a lawyer at the</p> <p>14 Sutherland firm in Atlanta and we are</p> <p>15 representing the plaintiffs in the Joseph case</p> <p>16 which is also pending in the Beaumont, Texas</p> <p>17 Federal Court.</p> <p>18 Professor Shelley, it appeared to</p> <p>19 me that your report in our case, the Joseph</p> <p>20 case, and your report in the Samuel case, both</p> <p>21 filed in late July were identical. Is that</p> <p>22 your understanding?</p> <p>23 A. The cases relating to Beaumont are</p> <p>24 yes, I filed one expert witness for the cases</p> <p>25 in Beaumont, Texas, yes.</p> | <p style="text-align: right;">Page 295</p> <p>1 Shelley</p> <p>2 Q. And then a few weeks later you</p> <p>3 filed a report in David and you had added a</p> <p>4 few paragraphs relating to the individual</p> <p>5 plaintiffs in David; correct?</p> <p>6 A. No, I added much more than a few</p> <p>7 paragraphs. I added about twelve pages to the</p> <p>8 statement that was prepared for Beaumont,</p> <p>9 including insights on the Pascagoula region</p> <p>10 and on the T visa applications that I had</p> <p>11 access to.</p> <p>12 Q. For the Joseph report and the</p> <p>13 Samuel report as I reviewed your list of</p> <p>14 materials considered it appeared that you did</p> <p>15 not look at any pleadings that were filed by</p> <p>16 the plaintiffs, the complaint, or RICO fraud</p> <p>17 chart or anything like that that was filed by</p> <p>18 the plaintiffs in the Beaumont cases; is that</p> <p>19 correct?</p> <p>20 A. I have certainly at that RICO</p> <p>21 fraud charts.</p> <p>22 Q. You looked at the RICO fraud</p> <p>23 charts in the David case in New Orleans --</p> <p>24 A. Right, I think that I may have</p> <p>25 looked at this before, but not to the extent</p> |
| <p style="text-align: right;">Page 296</p> <p>1 Shelley</p> <p>2 in July that I was listing it the way I knew</p> <p>3 that I had reviewed it in depth in August.</p> <p>4 Q. So you had not looked -- by the</p> <p>5 time you filed your report in the Joseph and</p> <p>6 Samuel case you had not looked at the RICO</p> <p>7 fraud chart in the Joseph case; is that</p> <p>8 correct?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. No, that is not what I said. I</p> <p>12 have said that I had looked at some of this,</p> <p>13 but not in the depth that I would that I would</p> <p>14 list it as a source, but I have looked at</p> <p>15 them. But come August I looked at them much</p> <p>16 more thoroughly all these RICO charts.</p> <p>17 Q. All these RICO charts, meaning you</p> <p>18 looked at the one in the Joseph case in Texas</p> <p>19 as well?</p> <p>20 A. Yes. I have been reviewing RICO</p> <p>21 cases, yes.</p> <p>22 Q. As of the time you filed the</p> <p>23 report at the end of July in Joseph however</p> <p>24 you did not have any opinions about the</p> <p>25 individual plaintiffs in Joseph and Samuel,</p> | <p style="text-align: right;">Page 297</p> <p>1 Shelley</p> <p>2 correct, as opposed to your general</p> <p>3 conclusions about trafficking?</p> <p>4 MR. ROUX: Objection as to the</p> <p>5 form.</p> <p>6 A. I requested T visa applications</p> <p>7 for all the people in Texas, and it was</p> <p>8 explained to me that they were not open and</p> <p>9 available. But I certainly sought them and it</p> <p>10 was a great disappointment to me that I did</p> <p>11 not have access to this material.</p> <p>12 Q. And you had access to the RICO</p> <p>13 fraud chart in Joseph, but had not reviewed it</p> <p>14 thoroughly enough to feel like you could have</p> <p>15 cited it in your materials considered;</p> <p>16 correct?</p> <p>17 MR. ROUX: Objection as to the</p> <p>18 form.</p> <p>19 A. I had looked at it, but the extent</p> <p>20 to which I would say that I was immersed in it</p> <p>21 the way I looked at RICO fraud charts in</p> <p>22 August is not comparable. I have a very high</p> <p>23 level of what I consider research that I have</p> <p>24 done. But I certainly was aware of these.</p> <p>25 Q. Professor Shelley, you talked at</p> |

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| <p style="text-align: right;">Page 298</p> <p>1 Shelley</p> <p>2 some length about the early March 2007</p> <p>3 incident, the either suicide attempt or self</p> <p>4 mutilation that you called it, and then the</p> <p>5 Schnoor meeting in Mississippi. Are you aware</p> <p>6 that the Texas workers in their allegations in</p> <p>7 Joseph and Samuel alleged that they quickly</p> <p>8 got news of these events and were told</p> <p>9 effectively that if they made trouble they</p> <p>10 were going to be deported; are you aware of</p> <p>11 that?</p> <p>12 A. Yes, I was aware of that.</p> <p>13 Q. Do you have any basis to doubt</p> <p>14 that the individuals heard quickly about --</p> <p>15 the individuals in Texas heard very quickly</p> <p>16 about what was happening in Mississippi with</p> <p>17 the deportations and restraints of workers?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. I believe that there was a close</p> <p>21 network between the workers in Pascagoula and</p> <p>22 the workers in Beaumont, and therefore there</p> <p>23 were rumors and discussions, there were things</p> <p>24 that they didn't know firsthand, but learned</p> <p>25 about through the grapevine as I would say.</p> | <p style="text-align: right;">Page 299</p> <p>1 Shelley</p> <p>2 MR. FLEMING: I am going to leave</p> <p>3 it there because I know Mr. Shapiro has</p> <p>4 a few questions.</p> <p>5 EXAMINATION BY</p> <p>6 MR. SHAPIRO:</p> <p>7 Q. Hi Professor Shelley, how are you</p> <p>8 doing this afternoon?</p> <p>9 A. I am getting a little tired.</p> <p>10 Q. I am Steve Shapiro and I represent</p> <p>11 the Dewan defendants. Professor Shelley,</p> <p>12 during this deposition you made reference to</p> <p>13 Signal ending its contracts with Dewan</p> <p>14 Consultants; isn't that correct?</p> <p>15 MR. ROUX: Objection as to the</p> <p>16 form.</p> <p>17 A. I made a reference to it's</p> <p>18 termination first with Mr. Pol, and then</p> <p>19 subsequently to terminating their relationship</p> <p>20 with Dewan.</p> <p>21 Q. That is what I was trying to ask</p> <p>22 you, and that is did you ever -- you state the</p> <p>23 relationship. Did you ever see a written</p> <p>24 contract between Dewan Consultants and Signal?</p> <p>25 A. I saw legal documents between</p> |
| <p style="text-align: right;">Page 300</p> <p>1 Shelley</p> <p>2 Signal and Dewan Consultants, yes, I did.</p> <p>3 Q. You saw legal documents --</p> <p>4 MR. ROUX: Steve, you are talking</p> <p>5 over Dr. Shelley.</p> <p>6 A. I saw letters of agreement or</p> <p>7 letters, representations of Signal with Dewan.</p> <p>8 There was correspondence I saw between Signal</p> <p>9 and Sachin Dewan.</p> <p>10 Q. But you never saw a stand alone</p> <p>11 written contract between Sachin Dewan and</p> <p>12 Signal; is that correct?</p> <p>13 A. At this moment I can't tell you</p> <p>14 anything to be frank, after eight hours of</p> <p>15 this.</p> <p>16 Q. I know, and I understand that, but</p> <p>17 I am entitled to ask you questions.</p> <p>18 A. I am answering your question. I</p> <p>19 am answering it as honestly as I can at this</p> <p>20 moment.</p> <p>21 Q. I appreciate that. I will -- do</p> <p>22 you need to take a break, would that help you?</p> <p>23 MR. ROUX: There is one minute</p> <p>24 left, ask your question.</p> <p>25 MR. HOWARD: I think you can</p> | <p style="text-align: right;">Page 301</p> <p>1 Shelley</p> <p>2 accommodate him a little bit, if you want</p> <p>3 to take a little bit of a break.</p> <p>4 THE WITNESS: I just want to get</p> <p>5 this over with. I had a break, I am</p> <p>6 ready to go. I am just not thinking as</p> <p>7 clearly as I did seven hours ago. I am</p> <p>8 just being -- or eight hours ago -- I am</p> <p>9 being very frank with you.</p> <p>10 MS. HANGARTNER: Steve are you</p> <p>11 comfortable with that?</p> <p>12 MR. SHAPIRO: Not entirely, I</p> <p>13 understand the question, but my witnesses</p> <p>14 have gone through the same thing.</p> <p>15 Q. If you feel like you are not -- do</p> <p>16 you feel like you are not prepared to answer</p> <p>17 these questions?</p> <p>18 A. I could have answered these</p> <p>19 questions about four hours ago. I am not in</p> <p>20 my prime form at the moment, I am being very</p> <p>21 honest with you.</p> <p>22 MR. SHAPIRO: What are we going to</p> <p>23 do about it folks.</p> <p>24 MR. HOWARD: How much do you have</p> <p>25 Steve?</p> |

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| <p style="text-align: right;">Page 302</p> <p>1 Shelley</p> <p>2 MR. SHAPIRO: About ten minutes or</p> <p>3 so.</p> <p>4 THE WITNESS: I will try.</p> <p>5 MS. HANGARTNER: Do you want to</p> <p>6 re-ask the initial question.</p> <p>7 Q. I will ask it more one more time.</p> <p>8 Professor Shelley, did you ever</p> <p>9 see a document that appeared to you to be a</p> <p>10 stand alone written contract between Sachin</p> <p>11 Dewan or Dewan Consultants and Signal?</p> <p>12 A. I believe that I saw a document,</p> <p>13 of an agreement between Dewan and Signal. But</p> <p>14 at this moment under an oath I took I will not</p> <p>15 swear up and down under a code or whatever</p> <p>16 oath that I have absolutely seen it. But I</p> <p>17 have seen many documents between, or</p> <p>18 correspondence, and I believe I have seen</p> <p>19 documents concerning their relationship.</p> <p>20 Q. I guess I am just going to move on</p> <p>21 from there because I didn't get a response</p> <p>22 answer.</p> <p>23 It looks like you have a</p> <p>24 substantial amount of experience in the study</p> <p>25 of human trafficking; is that correct?</p> | <p style="text-align: right;">Page 303</p> <p>1 Shelley</p> <p>2 A. Most people would say so, yes.</p> <p>3 Q. And it looks like you have -- you</p> <p>4 have been testifying about laws and different</p> <p>5 regulations and other things. In all of your</p> <p>6 vast experience and in the human trafficking</p> <p>7 field have you ever given legal advice to any</p> <p>8 entity or organization?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. I am not a lawyer.</p> <p>12 Q. Does that mean no?</p> <p>13 A. I can give people advice, I cannot</p> <p>14 give people legal advice.</p> <p>15 Q. Now it looks, from your report it</p> <p>16 looks like you did quite a few things to</p> <p>17 prepare this report. Did you happen to read</p> <p>18 the deposition transcript of Sachin Dewan that</p> <p>19 was taken in the end of August?</p> <p>20 A. No. It is not ready yet. I have</p> <p>21 had some discussions with the lawyers of what</p> <p>22 is in it, I am looking forward to reading it</p> <p>23 as soon as it becomes available.</p> <p>24 Q. Did you ever read his deposition</p> <p>25 testimony from 2009?</p> |
| <p style="text-align: right;">Page 304</p> <p>1 Shelley</p> <p>2 A. I have read some things from him</p> <p>3 from 2009, but I did not read the whole</p> <p>4 deposition.</p> <p>5 Q. Do you remember what parts of the</p> <p>6 deposition you read?</p> <p>7 A. I read some parts about his</p> <p>8 business and how it operates.</p> <p>9 Q. And in paragraph 12 of your expert</p> <p>10 report, the second sentence you say if there</p> <p>11 was fraud committed by these three, referring</p> <p>12 to Mr. Dewan, Mr. Pol and Burnett?</p> <p>13 A. Yes.</p> <p>14 Q. Are you forming any kind of</p> <p>15 opinion that Mr. Dewan or Dewan Consultants</p> <p>16 had committed any kind of fraud in his</p> <p>17 recruitment effort in India?</p> <p>18 A. Yes. And I am not just venturing</p> <p>19 this opinion, I have read the Indian case done</p> <p>20 by the Delhi court in which Mr. Dewan sued to</p> <p>21 have his license restored in that, which is a</p> <p>22 very thorough review of the case. The Indian</p> <p>23 court has said that Mr. Dewan engaged in</p> <p>24 fraud, deception, and engaged in a conspiracy</p> <p>25 with Pol and Burnett. And this is not a</p> | <p style="text-align: right;">Page 305</p> <p>1 Shelley</p> <p>2 document that is superficial, it represents a</p> <p>3 very serious judgment by a very serious court</p> <p>4 in India.</p> <p>5 Q. Do you know how that case came</p> <p>6 about?</p> <p>7 A. The extent to which I know about</p> <p>8 this case is that after the protests that</p> <p>9 occurred, or the events in 2007 there came to</p> <p>10 be the involvement of the Indian embassy and</p> <p>11 the Indian consulate in Texas which launched</p> <p>12 an investigation of this case and at which</p> <p>13 point, I am not exactly sure, I would have to</p> <p>14 review the details of the case, but the Indian</p> <p>15 government after this preliminary inquiry</p> <p>16 lifted the license of Mr. Sachin Dewan.</p> <p>17 Q. But you don't know any of the</p> <p>18 background of that case and how that decision</p> <p>19 came to be, and what the actual decision was,</p> <p>20 do you?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. What do you mean the actual</p> <p>24 decision; I read through the whole court</p> <p>25 opinion.</p> |

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| <p style="text-align: right;">Page 306</p> <p>1 Shelley</p> <p>2 Q. Ma'am, I am not talking about what</p> <p>3 you read. Do you understand the background of</p> <p>4 that case in India; do you understand how it</p> <p>5 came to be?</p> <p>6 A. I told you how it came to be,</p> <p>7 because the case in the document reviews how</p> <p>8 the reports came in, when the investigation</p> <p>9 was launched, when the Indian workers came to</p> <p>10 Washington to protest. This was taken at high</p> <p>11 level consideration by the Indian foreign</p> <p>12 ministry. The license was lifted -- wait, let</p> <p>13 me finish, this I know. The license was</p> <p>14 lifted by the organization that oversees</p> <p>15 Indian recruitment, and it is listed on the</p> <p>16 Indian web-site to that effect.</p> <p>17 From what I know having met many</p> <p>18 Indians, the Indian foreign ministry is an</p> <p>19 elite of India that has much less corruption</p> <p>20 than other Indian agencies, and therefore</p> <p>21 their findings of concern in terms of what the</p> <p>22 Indian workers had reported in terms of</p> <p>23 overpayment of recruiting fees and how they do</p> <p>24 not correspond to Indian norms resulted in an</p> <p>25 investigation in India. It was the first time</p> | <p style="text-align: right;">Page 307</p> <p>1 Shelley</p> <p>2 that Mr. Sachin Dewan had his license removed</p> <p>3 in the decades that the family had been in</p> <p>4 business.</p> <p>5 So in reading through this case</p> <p>6 there is a lot of background material on how</p> <p>7 this case came to be.</p> <p>8 Q. Now do you understand that that</p> <p>9 case was mainly decided based on newspaper</p> <p>10 reports?</p> <p>11 MR. ROUX: Objection as to the</p> <p>12 form.</p> <p>13 A. No, it was not decided based on</p> <p>14 newspaper reports.</p> <p>15 Q. You understand it was not a real</p> <p>16 investigation that went on, do you understand</p> <p>17 that?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form. Are you referring to the Delhi</p> <p>20 case or to the proceedings before the</p> <p>21 Delhi case?</p> <p>22 MR. SHAPIRO: I am referring to</p> <p>23 all of the proceedings -- actually the</p> <p>24 initial proceeding in the lower court</p> <p>25 which was brought by Mr. Dewan.</p> |
| <p style="text-align: right;">Page 308</p> <p>1 Shelley</p> <p>2 Q. Ma'am, do you have firsthand</p> <p>3 knowledge, any kind of firsthand knowledge</p> <p>4 that the Indian government actually conducted</p> <p>5 an investigation of Dewan Consultants for</p> <p>6 example by interviewing witnesses and</p> <p>7 interviewing other people; yes or no?</p> <p>8 A. I know in that case I read of the</p> <p>9 interviews that the Indian Council General in</p> <p>10 Houston and was done at the embassy that are</p> <p>11 included the reports where they talked to the</p> <p>12 workers, which is when they decided that</p> <p>13 excessive fees had been paid.</p> <p>14 Q. And do you understand that the</p> <p>15 final decision was not based on an excessive</p> <p>16 fee?</p> <p>17 A. The final decision was that Mr.</p> <p>18 Dewan had lost his license, it should be</p> <p>19 returned, and that there had been no</p> <p>20 complaints filed from anyone supporting any of</p> <p>21 the witnesses that were filed in Indian court.</p> <p>22 So there was nothing done from this side to</p> <p>23 try and obtain justice or shut down a</p> <p>24 trafficker in India.</p> <p>25 Q. I am sorry, I don't understand the</p> | <p style="text-align: right;">Page 309</p> <p>1 Shelley</p> <p>2 response. The question was vastly different</p> <p>3 from what you responded to. I would really</p> <p>4 appreciate it if -- I am trying to be as nice</p> <p>5 as I can, get through this as quickly as</p> <p>6 possible, but I would appreciate your not</p> <p>7 giving a narrative on every single question</p> <p>8 because we are going to be here all afternoon</p> <p>9 if that is the case.</p> <p>10 A. You asked me a question of what I</p> <p>11 knew, so I am telling you what I knew.</p> <p>12 Q. You are entitled to explain the</p> <p>13 answer, but you can't go on to a long</p> <p>14 narrative and start talking about anything you</p> <p>15 want.</p> <p>16 A. I am not talking about anything</p> <p>17 you want. You asked me about this case, I am</p> <p>18 telling you that I am actually informed on</p> <p>19 this case, and I am showing you that I am</p> <p>20 informed on this case. I know who the lawyers</p> <p>21 were. I have checked through Indian</p> <p>22 colleagues who were informed about the nature</p> <p>23 of the lawyers that defended Mr. Dewan. I</p> <p>24 know that the lawyer who defended Mr. Dewan,</p> <p>25 the chief, the head of the law firm has become</p> |

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| <p style="text-align: right;">Page 310</p> <p>1 Shelley</p> <p>2 the attorney general of India in the last few</p> <p>3 months. I am not ignorant on this case.</p> <p>4 MR. ROUX: Steve, do you have any</p> <p>5 more questions?</p> <p>6 MR. SHAPIRO: I am going to ask my</p> <p>7 questions, and we are going to stay here</p> <p>8 for as long as we have to --</p> <p>9 MR. ROUX: That is not the case.</p> <p>10 The witness is getting incredibly tired</p> <p>11 and --</p> <p>12 MR. SHAPIRO: Let me just say this</p> <p>13 came up in another deposition, you know</p> <p>14 what, I am going to move to strike the</p> <p>15 responsiveness of many of the answers so</p> <p>16 far.</p> <p>17 Q. Now ma'am I am going to get back</p> <p>18 to the original question. In paragraph 12 it</p> <p>19 says if there was fraud that was committed by</p> <p>20 these three, if there was fraud. Now are you</p> <p>21 saying if there was fraud. Does that mean</p> <p>22 that it is your opinion that Mr. Dewan</p> <p>23 committed a fraud, yes or no?</p> <p>24 A. Yes. I believe that Mr. Dewan,</p> <p>25 Pol and Burnett were engaged in fraudulent</p> | <p style="text-align: right;">Page 311</p> <p>1 Shelley</p> <p>2 activity. And as I said to you the Indian</p> <p>3 court has also found that in relation to Mr.</p> <p>4 Dewan. This is a reputable court with</p> <p>5 reputable lawyers and a reputable system.</p> <p>6 Q. This is all your opinion; isn't</p> <p>7 that correct?</p> <p>8 A. When I read legal opinions it</p> <p>9 doesn't become my opinion. I mean if you call</p> <p>10 a -- you read cases, does it become your</p> <p>11 opinion?</p> <p>12 Q. Ma'am I am not here to be</p> <p>13 argumentative, I am asking questions, and I am</p> <p>14 entitled to get answers to those questions and</p> <p>15 you are not answering them, okay.</p> <p>16 Now if you believe Mr. Dewan or</p> <p>17 Dewan Consultants committed a fraud then why</p> <p>18 did you couch this in terms if there was a</p> <p>19 fraud committed --</p> <p>20 A. Okay, maybe I could have phrased</p> <p>21 it better, but that is the language that I</p> <p>22 chose to use.</p> <p>23 Q. Well you used the same language, I</p> <p>24 am going to point it out throughout your</p> <p>25 report, and the next question I have for you</p> |
| <p style="text-align: right;">Page 312</p> <p>1 Shelley</p> <p>2 is how do you -- how are you qualified to</p> <p>3 render an opinion that Sachin Dewan or Dewan</p> <p>4 Consultants committed a fraud in India?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. As I said to you since I am not a</p> <p>8 lawyer I am not capable of saying or ruling</p> <p>9 myself that there was a fraud. But I have</p> <p>10 read what he did. I have read what the Indian</p> <p>11 courts have said what he did, and that is the</p> <p>12 conclusion that I have come to. If you call</p> <p>13 that my opinion, that is my opinion.</p> <p>14 Q. So you have not undertaken any</p> <p>15 kind of independent analysis of this to come</p> <p>16 up with your conclusion that Mr. Dewan or</p> <p>17 Dewan Consultants committed a fraud; correct?</p> <p>18 MR. ROUX: Objection as to the</p> <p>19 form.</p> <p>20 A. I have read so much on Mr. Dewan</p> <p>21 and his what I would call bad behavior. But</p> <p>22 whether you call this -- I probably would call</p> <p>23 it -- I might call it fraud. I am not a</p> <p>24 person who qualifies on a legal judgment, but</p> <p>25 I would say that is why I am calling it fraud.</p> | <p style="text-align: right;">Page 313</p> <p>1 Shelley</p> <p>2 He deceived people. He violated Indian</p> <p>3 regulations on the amount that you are allowed</p> <p>4 to charge as a recruiter.</p> <p>5 Q. I will ask you another time.</p> <p>6 Now are you an expert in</p> <p>7 recruitment of workers to work overseas; are</p> <p>8 you an expert in this area?</p> <p>9 MR. ROUX: Objection as to the</p> <p>10 form.</p> <p>11 A. I know a significant amount about</p> <p>12 recruitment of workers for overseas</p> <p>13 employment. I have written about it in my</p> <p>14 book on human trafficking.</p> <p>15 Q. In this case are you seeking to be</p> <p>16 qualified as an expert in recruitment, worker</p> <p>17 recruitment from India?</p> <p>18 A. I am seeking to be qualified as an</p> <p>19 expert on human trafficking.</p> <p>20 Q. So you are not an expert in the</p> <p>21 area of recruitment; is that correct?</p> <p>22 A. I would say that recruitment is a</p> <p>23 very narrow issue, and part of human</p> <p>24 trafficking may include individuals being</p> <p>25 brought into a traffic situation. And I have</p> |

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| <p style="text-align: right;">Page 314</p> <p>1 Shelley</p> <p>2 written much on the situation in which workers</p> <p>3 are brought in to trafficking situations.</p> <p>4 Q. Well you allude to a statute -- if</p> <p>5 you are not an expert you still alluded to a</p> <p>6 statute where you say that Mr. Dewan</p> <p>7 overcharged the job candidates; is that</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. How much should Mr. Dewan have</p> <p>11 been charging for a recruitment fee?</p> <p>12 A. The charges depend on different</p> <p>13 conditions, but the recruitment fees that</p> <p>14 Indians can charge for recruitment overseas</p> <p>15 are quite low. I don't remember exactly. I</p> <p>16 have read the provisions. But maybe in the</p> <p>17 thousands and sometimes less than that.</p> <p>18 Q. So you are basically telling me</p> <p>19 that you are not an expert in this area</p> <p>20 because you don't know; is that right?</p> <p>21 MR. ROUX: Objection as to the</p> <p>22 form.</p> <p>23 A. I don't remember every provision</p> <p>24 of every statute. I certainly know the</p> <p>25 difference between the sums that were paid by</p> | <p style="text-align: right;">Page 315</p> <p>1 Shelley</p> <p>2 the workers and the sums that I read in the</p> <p>3 statute on what was allowed.</p> <p>4 Q. Are you relying mainly on the fact</p> <p>5 that the folks at Signal told you that the</p> <p>6 fees were exorbitant?</p> <p>7 A. No, absolutely not. I have</p> <p>8 read -- absolutely not. That I can tell you,</p> <p>9 that is easy.</p> <p>10 Q. Now you alluded to the fact that</p> <p>11 Signal had no knowledge of a recruitment</p> <p>12 effort that began late in 2003, pre Katrina;</p> <p>13 is that correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And do you know, has anybody ever</p> <p>16 explained that recruitment effort to you?</p> <p>17 A. I have read -- I have not had it</p> <p>18 explained to me, I have read some of this on</p> <p>19 that recruitment effort in 2003, yes.</p> <p>20 Q. So you seem to suggest that Signal</p> <p>21 was deceived because they allegedly did not</p> <p>22 know about the earlier recruitment effort; is</p> <p>23 that correct?</p> <p>24 A. That is not the only reason that</p> <p>25 Signal was deceived.</p> |
| <p style="text-align: right;">Page 316</p> <p>1 Shelley</p> <p>2 Q. I am asking you specifically you</p> <p>3 state that Signal was deceived because they</p> <p>4 were not made aware of the original</p> <p>5 recruitment effort?</p> <p>6 A. Signal was not aware that the</p> <p>7 workers were initially recruited for other</p> <p>8 places of work, and that some of them had paid</p> <p>9 money as early as 2003 to be hired in other</p> <p>10 places, and go to work in other places.</p> <p>11 Q. Would that have made any</p> <p>12 difference, the fact that they had been</p> <p>13 originally recruited in a different effort?</p> <p>14 A. It does make a difference,</p> <p>15 absolutely it makes a difference.</p> <p>16 Q. Explain to me how?</p> <p>17 A. It makes a difference because</p> <p>18 there was deception of Sachin Dewan, Mr. Pol</p> <p>19 and Mr. Burnett for many years before the H-2B</p> <p>20 workers ever arrived in the United States to</p> <p>21 work for Signal.</p> <p>22 Q. Do you understand that these</p> <p>23 workers that were originally recruited only</p> <p>24 paid a very modest sum in addition to what</p> <p>25 they paid originally to come to Signal on an</p> | <p style="text-align: right;">Page 317</p> <p>1 Shelley</p> <p>2 H-2B and a Green Card?</p> <p>3 A. Can you repeat that.</p> <p>4 Q. Yes I can.</p> <p>5 Were you aware or did you read</p> <p>6 anywhere, you seem to read a lot, did you read</p> <p>7 anywhere that the workers who were originally</p> <p>8 recruited by Mr. Dewan and Dewan Consultants</p> <p>9 in late 2003 only paid a nominal fee to come</p> <p>10 over to work for Signal on an H-2B visa?</p> <p>11 A. Many of them had paid significant</p> <p>12 fees to Dewan Consultants before they came to</p> <p>13 Signal. So I don't understand your question.</p> <p>14 Q. That is true. The question is do</p> <p>15 you understand that this was an opportunity</p> <p>16 for them to come to Signal on an H-2B visa and</p> <p>17 they only had to pay just a little bit more</p> <p>18 for that opportunity, do you understand that?</p> <p>19 MR. ROUX: Objection as to the</p> <p>20 form.</p> <p>21 A. What I have read is that the</p> <p>22 workers who were in process to go to these</p> <p>23 other companies that were then -- where they</p> <p>24 were supposed to get H-2B work or Green Cards,</p> <p>25 were told that they could move much more</p> |

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| <p style="text-align: right;">Page 318</p> <p>1 Shelley</p> <p>2 rapidly to go work at Signal after Katrina,</p> <p>3 and this agreement was established between</p> <p>4 Pol, Burnett and Sachin Dewan. And some of</p> <p>5 them paid a little bit more to come.</p> <p>6 Q. And did you ever read anywhere</p> <p>7 that this was an opportunity given to these</p> <p>8 workers and they could certainly refuse it if</p> <p>9 they wished?</p> <p>10 A. Yes.</p> <p>11 Q. Where did you read that?</p> <p>12 A. I read that in some of the</p> <p>13 background material on this case.</p> <p>14 Q. Did you read anywhere where many</p> <p>15 of these workers decided that they waited too</p> <p>16 long and they decided to get out of the</p> <p>17 original recruitment effort; did you read that</p> <p>18 somewhere?</p> <p>19 A. I have not been -- the workers who</p> <p>20 may have waited -- waited too long and then</p> <p>21 decided to come to Signal; or do you mean they</p> <p>22 opted out of the process of coming to the</p> <p>23 United States on H2-B visa; what is your</p> <p>24 question?</p> <p>25 Q. The question was very clear and I</p> | <p style="text-align: right;">Page 319</p> <p>1 Shelley</p> <p>2 will make it clearer.</p> <p>3 A. Not to me, sorry.</p> <p>4 Q. I am talking about the individuals</p> <p>5 who opted out of the original permanent</p> <p>6 resident recruitment effort in late 2003, do</p> <p>7 you understand that those workers were under</p> <p>8 no obligation to go to Signal whatsoever?</p> <p>9 A. There were workers that were told</p> <p>10 that if they wanted to get to the United</p> <p>11 States more quickly they could go to Signal,</p> <p>12 yes, that I am aware of.</p> <p>13 Q. And those workers could have</p> <p>14 decided to cancel their -- opt out as you say</p> <p>15 of the original permanent resident visa</p> <p>16 recruitment; is that correct?</p> <p>17 A. Yes, they didn't have to come to</p> <p>18 Signal.</p> <p>19 Q. Do you understand that Mr. Dewan</p> <p>20 refunded hundreds of thousands of dollars to</p> <p>21 these individuals?</p> <p>22 A. I understand, and I have not seen</p> <p>23 this yet, but the lawyers have told me that</p> <p>24 Dewan talked about refunding money in his</p> <p>25 deposition, but I have not read it or seen it.</p> |
| <p style="text-align: right;">Page 320</p> <p>1 Shelley</p> <p>2 So I only know this secondhand.</p> <p>3 Q. Would that make any difference to</p> <p>4 you?</p> <p>5 A. It would, but I would like to read</p> <p>6 the context and read the deposition and read</p> <p>7 his statements before I make any more comments</p> <p>8 on that.</p> <p>9 Q. I appreciate that.</p> <p>10 You talked about some plaintiffs</p> <p>11 who committed fraud in the testing in India?</p> <p>12 A. Yes.</p> <p>13 MR. ROUX: Before you go any</p> <p>14 further, can you wrap up in six minutes,</p> <p>15 we have gone over the ten minutes you</p> <p>16 asked for.</p> <p>17 MR. SHAPIRO: I am pretty sure I</p> <p>18 can, I am near the end.</p> <p>19 Q. Now let me jump back to the</p> <p>20 original recruitment effort we were talking</p> <p>21 about in 2003. If these workers who had paid</p> <p>22 money to Dewan Consultants and Mr. Pol and</p> <p>23 Mr. Burnett and other individuals, and they</p> <p>24 were only going to pay a little extra to come</p> <p>25 to Signal, in your professional opinion how</p> | <p style="text-align: right;">Page 321</p> <p>1 Shelley</p> <p>2 would that have deceived Signal in any way?</p> <p>3 A. How would that have deceived</p> <p>4 Signal; I believe that the whole recruiting</p> <p>5 effort was a deception to the workers, and</p> <p>6 that what you are talking about of the small</p> <p>7 payment is not a part of the problem. The</p> <p>8 part of the problem is the large recruiting</p> <p>9 fees that were paid in their entirety.</p> <p>10 Q. But again you are not an expert on</p> <p>11 recruiting fees or recruitment efforts; is</p> <p>12 that correct?</p> <p>13 MR. ROUX: Objection as to the</p> <p>14 form.</p> <p>15 A. I have read on recruitment,</p> <p>16 recruitment fees, recruitment from Kerala. I</p> <p>17 am not an expert the way I am on other topics,</p> <p>18 but I do know something about this.</p> <p>19 Q. I am sure you do ma'am, I am not</p> <p>20 trying to criticize you, I am just trying to</p> <p>21 get an answer to my question, that is all.</p> <p>22 Now have you read anywhere that</p> <p>23 recruiters are exempt from the immigration act</p> <p>24 for recruitment to North America?</p> <p>25 A. I have not been reading about</p> |

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| <p style="text-align: right;">Page 322</p> <p>1 Shelley</p> <p>2 recruiters in North America, no.</p> <p>3 Q. Well that is part of this case,</p> <p>4 isn't it, recruiting to North America?</p> <p>5 MR. ROUX: Objection as to the</p> <p>6 form.</p> <p>7 A. I have not been reading about</p> <p>8 Indian law in reference to these -- to what</p> <p>9 you are referring to.</p> <p>10 Q. Well ma'am you just testified and</p> <p>11 you testified several times about the fact</p> <p>12 that Mr. Dewan's fee was somehow greater than</p> <p>13 what the law allows in India. So which is it,</p> <p>14 do you know what Indian law is on this or not?</p> <p>15 A. I have certainly read what Indian</p> <p>16 law is because it was outlined in the case,</p> <p>17 but I am not able to give you at this point</p> <p>18 chapter and verse back what it said. But I</p> <p>19 did absorb what the recruiting fees were. I</p> <p>20 read through the extensive documentation that</p> <p>21 was provided by the plaintiffs of what they</p> <p>22 paid, and the two are not -- what the workers</p> <p>23 paid was excessive.</p> <p>24 Q. What are you basing excessive on,</p> <p>25 please tell me?</p> | <p style="text-align: right;">Page 323</p> <p>1 Shelley</p> <p>2 A. All right. In most cases Indian</p> <p>3 workers who go to the Middle East will pay a</p> <p>4 few thousand dollars to a recruiter to go for</p> <p>5 a period of time, and sometimes this period of</p> <p>6 residence is not even sufficient to pay back</p> <p>7 their recruiting fees. A recruiting fee is --</p> <p>8 Q. Do you --</p> <p>9 A. Let me finish, I am about to</p> <p>10 explain it. A recruiting fee of 15 to \$20,000</p> <p>11 as has been paid by many of the plaintiffs in</p> <p>12 this case is excessive. It is excessive in</p> <p>13 relation to what Indian law stipulates. It is</p> <p>14 excessive in terms of the expectation of how</p> <p>15 long they would be able to reside in the</p> <p>16 United States under an H-2B visa.</p> <p>17 Q. Well we are getting back to your</p> <p>18 knowledge of India. You are not aware of any</p> <p>19 exemption under Indian law that says the fees</p> <p>20 to be -- the fees to be charged are at a set</p> <p>21 amount, but the recruitment to North America</p> <p>22 is exempt from that specific fee?</p> <p>23 MR. ROUX: Objection as to the</p> <p>24 form.</p> <p>25 A. I am not -- there has been --</p> |
| <p style="text-align: right;">Page 324</p> <p>1 Shelley</p> <p>2 there is very little Indian recruitment of</p> <p>3 workers to the United States. This is a very</p> <p>4 rare case, and therefore I am -- it is</p> <p>5 hundreds of thousands of workers that go to</p> <p>6 the Middle East, that go to Singapore, that go</p> <p>7 elsewhere. We are talking no more than a few</p> <p>8 thousand Indian workers per year that come</p> <p>9 into the United States, and therefore this is</p> <p>10 not a normal operating procedure for Indian</p> <p>11 recruiters.</p> <p>12 Q. But you agree and as you have</p> <p>13 testified that working in the Middle East is</p> <p>14 vastly different from coming to work in the</p> <p>15 United States; isn't that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And that is including the amount</p> <p>18 of money that one makes in his or her job, and</p> <p>19 the accommodations, it includes all</p> <p>20 consequences; correct?</p> <p>21 A. Absolutely, as well as the</p> <p>22 practice of religion.</p> <p>23 Q. So if you are going to make more</p> <p>24 money in the United States then the fees would</p> <p>25 be higher; isn't that correct?</p> | <p style="text-align: right;">Page 325</p> <p>1 Shelley</p> <p>2 A. It could be, which is exactly why</p> <p>3 the Indian workers agreed to pay this money,</p> <p>4 that they would earn more and they had a dream</p> <p>5 of getting a Green Card and coming to the</p> <p>6 United States with their families. That is</p> <p>7 exactly what they are were thinking, that it</p> <p>8 was worth this extra money.</p> <p>9 Q. Right. Just a couple more</p> <p>10 questions.</p> <p>11 The testing that you mentioned</p> <p>12 about, Signal went over to India to test</p> <p>13 workers and it is your position as an expert</p> <p>14 that some of the workers may have committed</p> <p>15 fraud in connection with their testing, and</p> <p>16 you gave us two possible examples. Do you</p> <p>17 remember if this was fraud on a written test</p> <p>18 or a practical test?</p> <p>19 A. I believe that there was fraud</p> <p>20 committed in the entire testing procedure. I</p> <p>21 hate to say it, but this is a norm in India.</p> <p>22 So it could be on the written test, it could</p> <p>23 be on the actual physical test which is</p> <p>24 probably more likely in the second part of it</p> <p>25 because the Signal recruiters did not</p> |

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| <p style="text-align: right;">Page 326</p> <p>1 Shelley</p> <p>2 recognize some of the workers who arrived.</p> <p>3 MR. ROUX: Steve, we are past 6,</p> <p>4 we are a half hour past.</p> <p>5 MR. SHAPIRO: Two more questions.</p> <p>6 MR. ROUX: Okay.</p> <p>7 MR. SHAPIRO: Who is this on the</p> <p>8 phone?</p> <p>9 MR. ROUX: This is Brian.</p> <p>10 Q. Wouldn't it be Signal's</p> <p>11 responsibility in India to ensure that they</p> <p>12 knew exactly who they were dealing with during</p> <p>13 the testing, and they would not allow any</p> <p>14 fudging or fraud on the testing?</p> <p>15 A. You don't understand India at all.</p> <p>16 This is so institutionalized in India, so</p> <p>17 professionalized that Indians can't prevent</p> <p>18 this. The United States with it's specialists</p> <p>19 in the embassy can't prevent fraud. We have</p> <p>20 had cases investigated of fraud within the</p> <p>21 U.S. embassy.</p> <p>22 Q. Are you suggesting that not only</p> <p>23 was Signal defrauded, but that Mr. Dewan and</p> <p>24 Mr. Pol and Mr. Burnett were defrauded as well</p> <p>25 by the workers?</p> | <p style="text-align: right;">Page 327</p> <p>1 Shelley</p> <p>2 A. I am not suggesting that they</p> <p>3 defrauded them. I am saying that it is</p> <p>4 standard operating procedure in India. I hate</p> <p>5 to say this as a specialist on corruption that</p> <p>6 individuals routinely hire other people to</p> <p>7 take tests for them. And therefore to say</p> <p>8 that somebody is deceived, this is just</p> <p>9 standard operating procedure.</p> <p>10 MR. ROUX: That is by my count</p> <p>11 your two questions. So with all due</p> <p>12 respect given that it is over a half hour</p> <p>13 when we were supposed to go, we are going</p> <p>14 to end the deposition at this point, we</p> <p>15 are going off the record.</p> <p>16 MR. SHAPIRO: Did I ask two</p> <p>17 questions or just one?</p> <p>18 MR. ROUX: You asked two.</p> <p>19 MR. SHAPIRO: That is okay, I am</p> <p>20 (Continued on next page)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 328</p> <p>1 Shelley</p> <p>2 done anyway.</p> <p>3 MR. ROUX: We are done.</p> <p>4 (Time noted: 6:03 p.m.)</p> <p>5</p> <p>6 <u> LOUISE I. SHELLEY </u></p> <p>7</p> <p>8 Subscribed and sworn to before me</p> <p>9 this ____ day of _____, 2014</p> <p>10</p> <p>11 _____</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 329</p> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 S T A T E O F N E W Y O R K)</p> <p>4 : s s .</p> <p>5 C O U N T Y O F N E W Y O R K)</p> <p>6</p> <p>7 I, Philip Rizzuti, a Notary</p> <p>8 Public within and for the State of New</p> <p>9 York, do hereby certify:</p> <p>10 That LOUISE I. SHELLEY, the</p> <p>11 witness whose deposition is hereinbefore</p> <p>12 set forth, was duly sworn by me and that</p> <p>13 such deposition is a true record of the</p> <p>14 testimony given by the witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this</p> <p>17 action by blood or marriage, and that I am</p> <p>18 in no way interested in the outcome of this</p> <p>19 matter.</p> <p>20 IN WITNESS WHEREOF, I have</p> <p>21 hereunto set my hand this 29th day of</p> <p>22 September, 2014.</p> <p>23</p> <p>24 <u> PHILIP RIZZUTI </u></p> <p>25</p> |

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| <p style="text-align: right;">Page 330</p> <p>1</p> <p>2 ----- I N D E X -----</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 LOUISE I. SHELLEY Mr. Howard 6</p> <p>5 Ms. Suriyopas 228</p> <p>6 Mr. Ramsey 279</p> <p>7 Mr. Fleming 294</p> <p>8 Mr. Shapiro 299</p> <p>9</p> <p>10 ----- INFORMATION REQUESTS -----</p> <p>11 DIRECTIONS: None</p> <p>12 RULINGS: None</p> <p>13 TO BE FURNISHED: None</p> <p>14 REQUESTS: None</p> <p>15 MOTIONS: None</p> <p>16</p> <p>17 ----- EXHIBITS -----</p> <p>18 Shelley Exhibit 1, expert 6</p> <p>19 report,</p> <p>20 Shelley Exhibit 2, E-mail dated 49</p> <p>21 March 13, 2008, SIGE 0163151 to</p> <p>22 153,</p> <p>23 Shelley Exhibit 3, E-mail dated 73</p> <p>24 August 24, 2006, numbered SIGE</p> <p>25 0329048 through 50,</p> | <p style="text-align: right;">Page 331</p> <p>1</p> <p>2 Shelley Exhibit 4, handwritten 83</p> <p>3 note Bates numbered SIGP</p> <p>4 0053101,</p> <p>5 Shelley Exhibit 5, letter dated 86</p> <p>6 December 1, 2006, Bates numbered</p> <p>7 HRT_SIB 000368444,</p> <p>8 Shelley Exhibit 6, E-mail dated 119</p> <p>9 March 5, 2007, Bates numbered</p> <p>10 SIGE 0011482 and 483, and SIGE</p> <p>11 0055312 and 313,</p> <p>12 Shelley Exhibit 7, letter dated 130</p> <p>13 February 26, 2007, numbered</p> <p>14 HRT_SIB 000506100,</p> <p>15 Shelley Exhibit 8, E-mail dated 133</p> <p>16 March 6, 2007, numbered HRT_SIB</p> <p>17 000527725,</p> <p>18 Shelley Exhibit 9, rough 146</p> <p>19 transcription of audio tape,</p> <p>20 3/12/07,</p> <p>21 Shelley Exhibit 10, one-page 199</p> <p>22 excerpt from Mr. Sanders diary</p> <p>23 dated Friday, January 19, 2007,</p> <p>24 numbered SIGE 0556816,</p> <p>25 Shelley Exhibit 11, E-mail dated 200</p> |
| <p style="text-align: right;">Page 332</p> <p>1</p> <p>2 June 14, 2007, numbered SIGE</p> <p>3 0048939,</p> <p>4 Shelley Exhibit 12, 211</p> <p>5 photographs.,</p> <p>6 Shelley Exhibit 13, Expert 231</p> <p>7 Report of Florence Burke,</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 333</p> <p>1</p> <p>2 *** ERRATA SHEET ***</p> <p>3</p> <p>4 NAME OF CASE: Kurian David v. Signal International LLC</p> <p>5 DATE OF DEPOSITION: September 23, 2014</p> <p>6 NAME OF WITNESS: LOUISE I. SHELLEY</p> <p>7 PAGE LINE FROM TO</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 LOUISE I. SHELLEY</p> <p>22 Subscribed and sworn to before me</p> <p>23 this ____ day of _____, 2014.</p> <p>24</p> <p>25 (Notary Public) My Commission Expires:</p> |